

Reply Reply All Forward

## Public Comment

Doug Fine [fine@well.com]

To: reg. coppermine, NMENV

Thursday, October 18, 2012 1:32 PM

Dear Sir:

As a resident of and ranch owner in Grant County New Mexico, I would like to makes the following comments about proposed new rules to regulate water quality at copper mines:

- I object to the Freeport-McMoRan end-run around the stakeholder process that resulted in a pro-industry rule that is not protective of the state's groundwater supplies.
- The rule should be consistent with the NM Water Quality Act and not routinely allow contamination above standards.
- The rule should incorporate industry best management practices for operational, closure, post-closure, contingency, monitoring and reporting requirements.
- The rule should include improved public notification requirements so that property owners within 1 - 5 miles of mine sites are notified of permit applications, renewals, modifications or amendments.
- Bad actor language needs to be included to require full disclosure of the applicant's and operator's current and past environmental, labor and safety compliance violations.

Thank you.

Best,

Doug Fine  
Grant County, NM

October 12, 2012

Kurt Vollbrecht  
New Mexico Environment Department  
Ground Water Quality Bureau  
P.O. Box 5469  
Santa Fe, NM 87502-5469

GROUND WATER  
OCT 15 2012  
BUREAU

**RE: Public Comment on Water Quality Regulations for  
Copper Mining**

Dear Mr. Vollbrecht:

On behalf of the Southwest New Mexico Green Chamber of Commerce, I would like to provide you with public comment on the proposed water quality regulation for copper mining.

The Southwest New Mexico Green Chamber of Commerce was established in 2010 to support and connect locally-owned businesses dedicated to building sustainable economy communities. A sustainable community maximizes the potential of businesses and enhances the quality of life, wellbeing, and health of its citizens. Our organization is very interested, therefore, in regulations that have the potential to impact the health and long-term sustainability of our communities.

In 2009 the legislature amended the Water Quality Act to require that the New Mexico Water Quality Control Commission (WQCC) adopt specific rules for the copper mining industry. The rules are intended to specify the measures to be taken to prevent water pollution and to monitor water quality at copper mines.

However, the Southwest New Mexico Green Chamber of Commerce is very concerned that the proposed regulations are in conflict with the New Mexico Water Quality Act and could allow pollution rather than prevent it.

Communities in Southwest New Mexico like most of the state are dependent on groundwater for their drinking water. We encourage the New Mexico Environment Department to put forth adequate rules to protect the quality of New Mexico's water resources.

We thank you for consideration of our comments.

Sincerely,

A handwritten signature in black ink that reads "Richard Bigelow". The signature is written in a cursive style with a large, sweeping initial "R".

Richard Bigelow  
President



**RIO GRANDE CHAPTER**  
142 Truman Street NE, Suite C-1  
Albuquerque, NM 87108  
505-243-7767 Fax 505-243-7771  
<http://nmsierraclub.org>

October 12, 2012

New Mexico Environment Department Ground Water Quality Bureau  
Attn: Kurt Vollbrecht  
P.O. Box 5469  
Santa Fe, NM 87502-5469  
[coppermine.reg@state.nm.us](mailto:coppermine.reg@state.nm.us)

**RE: PROPOSED COPPER GROUNDWATER DISCHARGE RULE –  
COMMENTS**

Sirs,

The Rio Grande Chapter of the Sierra Club lobbied for the 2009 Session's SB206 Water Quality Act Rulemaking Limits bill. We participated in every stage of the Dairy Rule-making process as members of the Citizens Coalition. With that experience in mind, we would like to raise some serious concerns that we share with other environmental and stakeholder organizations with this Draft Copper Rule.

- We object to the Freeport-McMoRan end-run around the stakeholder process that resulted in a pro-industry rule that is not protective of the state's groundwater supplies.
- The rule should be consistent with the NM Water Quality Act and not routinely allow contamination above standards.
- The rule should incorporate industry best management practices for operational, closure, post-closure, contingency, monitoring and reporting requirements.
- The rule should include improved public notification requirements so that property owners within 1 - 5 miles of mine sites are notified of permit applications, renewals, modifications or amendments.
- Bad actor language needs to be included to require full disclosure of the applicant's and operator's current and past environmental, labor and safety compliance violations.

**Please consider these comments thoughtfully and thoroughly. Thank you.**

**Sincerely,**

**Margot Wilson  
Public Lands Co-Chair  
Rio Grande Chapter  
Sierra Club  
575-744-5860**

Reply Reply All Forward

## COMMENT ON PROPOSED NEW WATER QUALITY RULES FOR COPPER MINES

Kate Brown [katebrown@gilanet.com]

To: reg, coppermine, NMENV

Friday, October 12, 2012 2:49 PM

Dear Kurt Vollbrecht,

I attended NMED's public meeting on September 26 in Silver City and I wish to voice my dismay at the lack of transparency that resulted in draft of the Water Quality Rules for Copper Mines released on September 13. I followed the progress of the meetings of the advisory group held by the ED beginning in January, 2012. I am aware of the great discrepancy between earlier drafts and this draft that the ED has seen fit to embrace.

I have several questions:

Why should the citizens of the Southwest New Mexico, an area much effected by copper mining, accept anything less than industry best management practices?

Why isn't the ED backing the 2009 Water Quality Act to prevent water pollution and to monitor water quality ?

Why is the ED taking the word of industry that they will protect our groundwater?

I want the ED to ensure regulatory compliance rather than allowing all groundwater requirements be determined on a case-by-case basis, as the Sept 13 draft seems to allow.

It appears this pro-industry rule would allow Freeport to create new tailings and stockpiles without liners, grant exemptions for activities that otherwise require a variance from the Water Quality Act, and make acceptable for all mines Freeport's existing condition for open pit water pumping and treatment in perpetuity.

I am a 33 year resident of Grant County and I have seen a tremendous improvement in mining remediation and reclamation during this time. I am not willing to see the mining industry take us back to the bad old days and I expect the ED to enforce the 2009 Water Quality Act.

Most sincerely,

Kate Brown  
HC 71 Box 1397  
San Lorenzo, NM 88041

Reply Reply All Forward

## WQCC rules

Susan Van Auken [susanvanauken@gilanet.com]

To: reg, coppermine, NMENV

Friday, October 12, 2012 9:28 AM

The New Mexico Legislature required the WQCC to adopt specific rules for the copper mining industry to prevent water pollution, to monitor water quality and to ensure regulatory compliance.

We the people of the State of New Mexico spent a lot of money and many people spent a lot of effort discussing proposed regulations to protect our water from the negative impact of mining in our area. So lets not bypass all that effort to go with proposed regulations that benefit the mining industry and will continue to contaminate our ground water, as usual.

Follow the process!

Protect our water!

Thank you,

Susan Van Auken

On the banks of the Gila in Gila, NM

New Mexico Environment Department Ground Water Quality Bureau  
Attn: Kurt Volbrecht  
P.O. Box 5469  
Santa Fe, NM 87502-5469

coppermine.rep@state.nm.us

RE: Proposed new **Rules** to protect water quality in New Mexico in regard to any copper mining projects.  
Public Draft Rule – public comment

**Please acknowledge receipt of this email. Thank you.**

Mr Volbrecht-

I appreciate this opportunity to share my concerns about protecting the quality & quantity of fresh potable water in New Mexico in regard to any area where there is already a copper mine under production or wherever and new mining project may be located.

Water is our future. Water must be protected. To do this the **Rules** must be well defined using the latest research and the most current, best practices.

The **Rules** need to include a provision which allows for the removal of out-dated **Rules** the inclusion of new **Rules** at specified intervals (ie. 5 years) as continuing research improves any technology and/or our scientific understanding of possible sources of or concerns about water contamination evolve.

According to my research, **available fresh water amounts to less than one half of one percent of all the water on Earth.** This next may seem inflammatory, which is not my intent; I include it because this is what my research shows and I believe this needs to be 'kept in mind' when making decisions about this new Rules: **There has never been a metallic sulfide mine that has not polluted water resources where water was present.**

To permit an identified acid generating mine means that we are asking future generations to take on the responsibility for toxic waste sites that are going to *have to be managed* for hundreds of years. Predictions about the success of managing this waste in the long term are, at best, speculative.

The articles I have used in my research are listed at the end of my comments.

The **Rules** also need to have the latest industry-best-management-practices for not only the time of the operation of the mine, but also for the closure and for the years after closure into the future to continue to protect all the water sources in the area around the mine site for as long as there might be any possibility of contamination from the tailings or waste rock piles, etc.

The Rules need to be written with strict enforceable practices for monitoring and reporting on all areas. Any area of concern that needs to be monitored needs to be checked frequently with the knowledge in mind that once contamination begins it may be impossible to reverse the damage to our precious water resource. Or the cost of mitigating the damage may be extremely expensive and the cost may be dumped into the tax burden of New Mexico residents. I refer here to what has happened at any of the Superfund sites. Mining companies need to be responsible for their actions and their practices.

### HDPT GEOMEMBRANE LINER

Used for Tailings and Waste Rock and any other area where there is a potential for contamination of any ground or surface water.

I am concerned about the adequacy of HDPT geomembrane liners.

I am concerned because, as revealed by my research, HDPT GEOMEMBRANE LINERS are known to frequently fail.

Others concerns brought out in my research:

I am concerned because an accident of this type could occur not only during the operation of a mine, but also after a mine reclamation is completed and a mining company IS NO LONGER INVOLVED OR LIABLE FOR ANY DAMAGE.

I am concerned because it's such a new technology and many geotechnical and civil engineers, regulators, and general contractors may not be thoroughly familiar with the performance characteristics of viscoelastic engineering polymer products.

Ultimately my concern is toxic AMD (acid mine drainage) leaking from the liner &/or a break or failure that could contaminate and endanger areas of land, air, water, wildlife, humans, ranchers, agriculture, etc. as detailed in other of my concerns.

The agencies involved in setting up these Rules must take into consideration and apply the principle of 'cumulative effects' when making decisions.

The agencies involved in setting up these Rules need to have the knowledge of an expert on the newest technology for HDPT GEOMEMBRANE LINERS so that you who are involved can write into the Rules appropriate guidelines for this new technology on each of these aspects:

- Highest quality design coordinated with the manufacturing & the installation, etc.
- Highest quality specifications of the materials (resin) for each particular tailings impoundment use, climate, etc. A project specification document specific to each individual mining site.
- highest quality manufacture of the liner
- highest quality installation without damage
- highest quality effective seaming and trial seaming  
[About 19% of leaks occur at seams]
- highest quality filling or covering the liner for initial operation without damage

[Over 70% of leaks occur when the liner is covered by soil or stone, therefore covering is a critical stage for a geomembrane]

- Highest quality proper preparation of the ground &/or surface upon which the liner will be placed.
- Continual testing of the highest quality in each of these areas done by an independent contractor reporting to appropriate New Mexico State Agencies responsible for this area of any copper mining operation.

For monitoring and reporting on all aspects of any liner from it's manufacturing to each detail of it's installation, seaming, covering and ongoing integrity; a quality independent company needs to be chosen with the approval of the appropriate New Mexico State Agency (s) in cooperation with the mining company. The burden of the cost of monitoring must be assumed by the mining company.

### **TAILINGS IMPOUNDMENT – after monitoring stops**

I am concerned about what will happen after the **monitoring** of any tailings impoundment ends.

I am concerned that there is a significant potential for Acid Mine Drainage Leakage from any Tailings Impoundment and other toxic/polluting effects that then would continue into perpetuity.

I am concerned because an accident of this type could occur **AFTER THE MINE RECLAMATION IS FINISHED AND A MINING COMPANY IS NO LONGER INVOLVED OR LIABLE FOR ANY DAMAGE.**

I am concerned that with no regular monitoring following the reclamation phase of a mine, a leakage or a breach could get into local water and contaminate it with toxins.

I am concerned that with no regular monitoring a breach of a Tailings Impoundment, would not receive the necessary Rapid Response and could cause untold toxic damage to the environment wherever the contents of the Tailings Impoundment discharge to including the surrounding water, soils, air, wildlife.

From research I bring up these points:

- AMD is the mining industry's greatest environmental problem and its greatest liability. Once it starts, AMD can effectively sterilize an entire water system for generations to come - turning it into a biological wasteland and a huge economic burden."
- 'the present state-of-the-art does not provide any universal solutions' for AMD."
- The sulphide sulphur in the ore continually reacts with air and water to form sulphuric acid, which leaches out the heavy metals, especially copper."
- The science of predicting AMD is still far from conclusive. The gap between the theoretical tests and the real world dynamics of AMD provides reason for caution when mines are assessed and permitted.

## WASTE ROCK

I am concerned about any toxic run-off coming from the waste rock disposal areas containing partially oxidized and unoxidized material &/or low-grade ore stockpiles which might contaminate water.

I am concerned about the local summer storm pattern of sudden intense rainfall including:

- how quickly ditches fill and overflow during these storms
- and how powerful the rushing raging water can be and how often this onslaught of water breaks through ditches that are man-made.

I am concerned about the quantity of rainwater during a major summer rainstorm landing on any large acreage of waste rock or low-grade ore stockpiles could carry toxic contaminated stormwater from the wasterock area and run into rivers, streams and /or eventually seep into ground water.

**Rules** need to be written to prevent this danger.

## USE OF WATER FOR MINING

I am concerned that use of water for the purpose of mining, milling, etc will adversely affect water supply *in any way*.

I am concerned because available fresh water amounts to less than one half of one percent of all the water on Earth.

I am concerned because research shows and I agree that:

- Water is a public trust to be guarded at all levels of government
- An adequate supply of clean water is a basic human right
- Water must be conserved for all time
- Water belongs to the earth and all species

I am finding in my research and my communication with various government agencies that the laws to protect our water resources, wildlife, etc may be '*on the books*', but the **implementation and enforcement** of these laws is weak and lacking in foresight.

I request that the New Mexico State agencies involved in this process take into consideration and apply the principle of 'cumulative effects' of any hardship this might cause.

## HAZARDOUS or TOXIC MATERIALS –Copper Concentrate

I am concerned that any spillage of hazardous or toxic materials, including the copper concentrate, while being transported to or from a mining, milling or other processing site or used at a mining site or stored at a mining site or anywhere else involved in the

mining, milling or other processing sites may contaminate ground/ or water sources.  
**Rules** need to be written to prevent or mitigate this danger.

From research this is a list of potential hazards for **Copper Concentrate**.

CONCERNS:

U.S.

Ingredients Listed on TSCA Inventory Yes

Hazardous Under Hazard Communication Standard Yes

CERCLA Section 103 Hazardous Substances Yes.....Copper .....RQ : 5,000 lbs.  
(2270 kg.)

[CERCLA – Comprehensive Environmental Response, Compensation, and Liability Act  
- Superfund]

EPCRA Section 313 Toxic Release Inventory (Supplier Notification):...Copper....

CAS No. 7440-50-8. % by Weight – 24-28%

**Proper Handling Procedures:**

Copper Concentrate Handling and Storage: Store in a dry, well ventilated area away from sources of combustion, acids and strong oxidizers. Some sulphide concentrates may slowly oxidize in storage and generate sulphur dioxide as well as deplete the oxygen content of a confined space. The atmosphere within confined spaces containing concentrate must be tested before entry and the area thoroughly ventilated of self-contained breathing apparatus used, if conditions warrant.

Some sulphide concentrates may also oxidize and generate heat which accumulates in storage piles. If material is to be stored for an extended period, the temperature of storage piles should be monitored.

Minimize dust generation and accumulation.

May be ignited by open flames or other high temperature.

HAZARDOUS DECOMPOSITION PRODUCTS:

- High temperature operations such as oxy-acetylene cutting, electric arc welding, or arc-air gouging may generate toxic copper fumes and sulphur dioxide.
- The fumes will contain copper oxides, which, on inhalation in sufficient quantity can produce metal fume fever.
- This material contains approximately 0.006% (60 ppm) mercury. Mercury vapour may be released during high temperature processing and re-condense on cooler surfaces.
- It also contains approximately 0.035% arsenic.

EXPOSURE CONTROLS / PERSONAL PROTECTION

- Protective Clothing: coveralls or other work clothing, safety glasses, and gloves are recommended to prevent prolonged or repeated direct skin contact.
- Avoid breathing dust.

- *\*Workers should wash immediately when skin becomes heavily contaminated as well as at the end of each work shift.*
- *\*Remove contaminated clothing and wash before reuse.*

This brings up a concern for **water pollution** because showering or laundry will put the copper concentrate dust into the waste water system! Any mining project proposed to last for many years thus generates a potentially a great amount of contaminated dust washed into wastewater systems.

(Will workers be allowed to take their dust contaminated clothing home for laundering? Will they wash their dust contaminated cars at home?)

**Concern** is the cumulative copper concentrate dust in laundry &/or personal hygiene measures.

Also the Additional **CONCERN** for any **truck washing** if the truck has been carrying any copper concentrate.

Ecological Information: Copper concentrate is insoluble in water and its metals content has low direct bioavailability. *HOWEVER*, its processing or extended exposure in the aquatic and terrestrial environments can lead to the release of contained metals in bioavailable forms. *These can cause detrimental environmental effects.* The mobility of the contained metals in soluble forms is media dependent. They can bind with inorganic and organic ligands, reducing their mobility and bioavailability in soil and water. Bioavailability is also controlled by other factors such as pH and hardness in the aquatic environment.

Thus any employees dealing with the copper concentrate whose clothing or skin may be contaminated needs to be required to change to fresh uncontaminated clothing & shower before leaving the site.

To protect the water, dust contaminated clothing needs to be:

- be washed at each Mine Project site
- and all waste water from the laundry facility or shower facility needs to be monitored for cumulative contamination.
- contaminated water needs to be treated and reclaimed to a safe standard before being released into any waste-water area.

TRUCKS or CONTAINERS that have been carrying any copper concentrate that are to be washed need to

- be required to be washed at the Mine Site
- in a specially contained area
- and any contaminated water be needs to be treated and reclaimed to a safe standard before being released into any waste-water area.

## HAZARDOUS or TOXIC MATERIALS –Molybdenum Concentrate

I am concerned that any spillage of hazardous or toxic materials, including the copper concentrate, while being **transported** to or from a mining, milling or other processing site or used at a mining site or **stored** at a mining site or anywhere else involved in the mining, milling or other processing sites may contaminate ground/ or water sources. Rules need to be written to prevent or mitigate this danger.

From research this is a list of potential hazards for **Molybdenum Concentrate**.

### CONCERNS:

#### **Molybdenum Concentrate**

United States

Ingredients Listed on TSCA Inventory Yes

Hazardous Under Hazard Communication Standard Yes

EPCRA Section 311/312 Hazard Categories ..... Delayed (Chronic) Health Hazard - Carcinogen (due to presence of silica)

CANADIAN:

Ingredients Listed on DSL: ..... Yes

WHMIS Classification: .....D2A, Material Causing Other Toxic Effects – Very Toxic

### **Proper Handling Procedures:**

Molybdenum Concentrate Handling and Storage: Store in a dry, well ventilated area away from sources of combustion, acids and strong oxidizers. Some sulphide concentrates may slowly oxidize in storage and generate sulphur dioxide as well as deplete the oxygen content of a confined space. The atmosphere within confined spaces containing concentrate must be tested before entry and the area thoroughly ventilated or self-contained breathing apparatus used, if conditions warrant.

EU Safety Phrase(s): S22 – Do not breathe dust; S36/37 – Wear suitable protective clothing and gloves; S45 – In case of accident, or if you feel unwell, seek medical advice immediately (show the label where possible).

Some sulphide concentrates may also oxidize and generate heat which accumulates in storage piles. If material is to be stored for an extended period, the temperature of storage piles should be monitored.

Minimize dust generation and accumulation.

May be ignited by open flames or other high temperature.

Ventilation: Use adequate local or general ventilation to maintain the concentration of copper concentrate dust in the working environment well below recommended occupational exposure limits.

\*\*\**Supply sufficient replacement air to make up for air removed by the exhaust system.*

Additional Concern: \*\*\*The Molybdenum Concentrate dust removed from the work area by the exhaust system. How is this contained/handled/removed from the exhausted air?

HAZARDOUS DECOMPOSITION PRODUCTS:

- Many sulphides react violently and explosively with powerful oxidizers, at the same time releasing large volumes of highly irritating and toxic SO<sub>2</sub>.
- May release highly toxic and flammable hydrogen sulphide (H<sub>2</sub>S) gas on contact with strong acids.
- High temperature operations such as oxy-acetylene cutting, electric arc welding, or arc-air gouging may generate toxic molybdenum and iron oxide fumes as well as large volumes of sulphur dioxide gas.
- Long term storage may result in oxidation and under certain conditions, spontaneous combustion may occur.

EXPOSURE CONTROLS / PERSONAL PROTECTION

- Protective Clothing: coveralls or other work clothing, safety glasses, and gloves are recommended to prevent prolonged or repeated direct skin contact.
  - Close-fitting safety goggles may be required to prevent eye contact if excessive dust is generated.
  - Avoid breathing dust.
  - **Respirators:** Where molybdenum concentrate dust and/or sulphur dioxide gas is generated and cannot be controlled to within acceptable levels by engineering means, use appropriate NIOSH-approved respiratory protection equipment (a minimum of a combination N-100 or P-100 particulate filter / acid gas cartridge) in an air purifying respirator (APR) or powered air purifying respirator (PAPR). A full face piece chemical cartridge respirator or even a self-contained breathing apparatus may be required for higher concentrations of sulphur dioxide gas.
- \*Workers should wash immediately when skin becomes heavily contaminated as well as at the end of each work shift.*
- *\*Remove contaminated clothing and wash before reuse*

**Transport Information:**

IMO Classification .....MHB (Material Hazardous in Bulk)

CONCERN:

- Therefore any TRUCKS or CONTAINERS that have been carrying any Molybdenum concentrate need to be washed free of this dust.

Here I include all the same Concerns listed under COPPER CONCENTRATE for laundry of dust contaminated clothing, personal hygiene, washing of cars or trucks contaminated by mining dust and treatment of any wastewater.

Ecological Information: **Molybdenum concentrate** is relatively insoluble in water, and therefore, its constituent metals have low direct bioavailability. However, **extended exposure of the concentrate** in aquatic and terrestrial environments can lead to the release of the constituent metals in more bioavailable forms; these forms have the potential to cause adverse effects on biota. The mobility of the constituent metals in more soluble forms is media-dependent; they can bind with inorganic and organic ligands, reducing their mobility and bioavailability in both soil and water. Bioavailability is also mediated by other factors (e.g., pH, hardness, total organic carbon), in the aquatic environment.

## TRUCKING – Hazardous/toxic materials

I am concerned that there may be accident(s) on the New Mexico highways involving any hazardous materials, toxic materials, chemicals, blasting materials, etc. used in the copper mining process. I am concerned that they may contaminate water in the area of the accident. Rules need to be written to prevent or mitigate this danger.

### CONCERNS:

**Copper Concentrate: Environmental Precautions:** The handling, shipment, storage and processing of this material requires appropriate controls and care to prevent spillage or gradual accumulation in the terrestrial and aquatic environments. Spilled mater should be promptly cleaned up.

Procedures for Cleanup: control source of spillage if possible to do so safely.

**Restrict access to the area until completion of clean up.**

Clean up spilled material immediately, observing precautions. *Personal Protection* and using methods which will minimize dust generation (e.g. vacuum solids, dampen material and shovel or wet sweep).

Return uncontaminated spilled material to the process if possible.

Place contaminated material in suitable labeled containers for later recovery or disposal. U.S.

Ingredients Listed on TSCA Inventory Yes

Hazardous Under Hazard Communication Standard Yes

CERCLA Section 103 Hazardous Substances Yes.....Copper .....RQ : 5,000 lbs.  
(2270 kg.)

[CERCLA – Comprehensive Environmental Response, Compensation, and Liability Act - Superfund]

EPCRA Section 313 Toxic Release Inventory (Supplier Notification):...Copper....

CAS No. 7440-50-8. % by Weight – 24-28%

## Some of the Research documents used to support my CONCERNS – Candi Browne

**Comparison of Predicted and Actual Water Quality at Hardrock Mines, The reliability of predictions in Environmental Impact Statements** by Ann S. Maest - Buka Environmental, Boulder, CO and James R. Kuipers, Kuipers & Associates, Butte, Montana, 2006, [www.kuipersassoc.com](http://www.kuipersassoc.com) or EARTHWORKS, [www.mineralpolicy.org/earthworks\\_at\\_home.cfm](http://www.mineralpolicy.org/earthworks_at_home.cfm)

**Predicting Water Quality Problems at Hardrock Mines, A Failure of Science, Oversight, and Good Practice** by Alan Septoff, EARTHWORKS, 2006

### **Federal SUPERFUND Program**

Dealing with mining disaster clean up.

[Http://www.gao.gov/highrisk/agency/epa/speeding-the-pace-of-cleanup-of-hazardous-waste-sites.php](http://www.gao.gov/highrisk/agency/epa/speeding-the-pace-of-cleanup-of-hazardous-waste-sites.php)

1980 Comprehensive environmental Response, Compensation, and Liability Act (CERCLA). BETTER KNOWN AT THE Superfund Act. This law gives the federal government the authority to respond to

chemical emergencies and to clean up uncontrolled or abandoned hazardous waste sites both on private and public lands.

The Superfund Act program addresses both short- and long-term risks, from toxic chemical spills and threats to the permanent cleanup and rehabilitation of abandoned hazardous waste sites.

The Superfund also provides authority for the prosecution of those responsible for the releases of hazardous waste and a trust fund to subsidize cleanup when no responsible party can be identified. With the expiration of the Superfund tax, EPA must rely on annual appropriations to fund cleanups. These appropriations have been declining and the pace of cleanups has slowed.

Further, citing competing priorities and lack of funds, EPA has not implemented a 1980 statutory mandate under Superfund to require businesses handling hazardous substances to demonstrate their ability to pay for potential environmental cleanups—that is, to provide financial assurances.

**"Summitville Mine". Region 8 - Superfund. U.S. Environmental Protection Agency.**

Archived from the original on 2006-10-10.

<http://web.archive.org/web/20061010032331/http://epa.gov/region8/sf/sites/co/sville.html>

Retrieved 2007-01-04.

### **Effects of Surface Mining on Ground Water Quality,**

Nature of Ground-water pollution by surface mining by Henry Rauch

### **HARDROCK MINING IN NEW MEXICO, 2006**

EARTHWORKS 2007, Cathy Carlson and Jonathan Schwartz

[www.earthworksaction.org](http://www.earthworksaction.org)

Abandoned Mines: The counties with the most abandoned mines are Grant, McKinley and Sierra.

The state does not have dedicated funding for cleaning up pollution from abandoned mines. The New Mexico Abandoned Mine Land Bureau gets funding from the federal Surface Mining Control and Reclamation Act to mitigate only physical hazards at abandoned hardrock mines.

### **New Mexico Office of the State Engineer – Las Cruces District Office**

Internet site Records

### **New Mexico Department of Health, January 2007. Sulfate In Drinking Water**

Natural levels can be increased by contamination from mines, mills, landfills, sewage and other manmade sources.

What level of sulfate is recommended for drinking water?

New Mexico Environment Department (NMED) and the Environmental Protection Agency (EPA) recommend that public water systems not have sulfate above 250 milligrams per liter (mg/L).

The EPA has also established a drinking water health advisory of 500 mg/L to prevent loose stool and diarrhea in persons not used to high levels of sulfate.

What are the health effects of sulfate in drinking water?

Drinking water with sulfate at levels exceeding 500 mg/L can cause strong laxative effects, such as diarrhea.

Animals are also sensitive to high levels of sulfate.

### **National Sanitation Foundation**

<http://www.nsf.org/> or at toll-free at 1-877-8-NSF-HELP (1-877-867-3435).

### **What is Metallic Sulfide Mining?**

[http://waterlegacy.org/sulfide\\_mining](http://waterlegacy.org/sulfide_mining)

**Metallic sulfide mining is a Midwest US term for hardrock mining for metals in sulfur-bearing rock, as differentiated from coal, iron ore, or gravel extraction.**

Metallic sulfide mining is the practice of extracting metals from a sulfide ore body.

In Minnesota, these metals include copper and nickel with trace amounts of cobalt, platinum, palladium, and gold.

Toxic metals in acid mine drainage (AMD) have polluted waters everywhere.

The U.S. EPA (Environmental Protection Agency) has extensive information about AMD

**Technical Resource Document, Extraction and Beneficiation of Ores and Minerals.**

**Vol 4, COPPER**

EPA 530-R-94-031, NTIS PB94-200979, 1994, US EPA Office of Solid Waste, Special Waste Branch, Washington.

**1.6 ENVIRONMENTAL EFFECTS**

**1.6.1 Potential Sources of Contamination**

**1.6.1.1 Mine Dewatering**

**1.6.1.2 Releases from Active Leach Units**

**1.6.1.3 Releases from Leach Units During and After Closure**

**1.6.1.4 Releases from Tailings Impoundments**

**1.6.1.5 Acid Drainage**

**1.6.1.6 Beneficiation Reagents**

**1.6.2 Factors Affecting the Potential for Contamination**

**1.6.3 Affected Media**

**1.6.3.1 Ground Water/Surface Water**

**1.6.3.2 Soil**

**1.6.3.3 Air**

**1.6.4 Damage Cases**

**1.6.4.1 National Priorities List**

**1.6.4.2 304(l) Sites . . . . .**

**1.7 CURRENT REGULATORY AND STATUTORY FRAMEWORK**

**1.7.1 Environmental Protection Agency Regulations**

**1.7.1.1 Resource Conservation and Recovery Act**

**1.7.1.2 Clean Water Act**

**1.7.1.3 Clean Air Act**

**1.7.2 Department of the Interior**

**1.7.2.1 Bureau of Land Management**

**1.7.2.2 National Park Service and Fish and Wildlife Service**

***Technical Resource Document: Copper***

iii

**1.7.3 Department of Agriculture**

**1.7.3.1 Forest**

**1.7.4 Army Corps of Engineers**

**1.7.5 State Programs**

**U. S. Department of the Interior Bureau of Land Management Las Cruces, New Mexico, February 1996, Draft Environmental Impact Statement, Copper Flat Project**

Alta Gold Company, Inc proposes to reinitiate copper mining activities in the Hillsboro Mining District located near Hillsboro, NM.

paper copy about 400 pages

**U. S. Department of the Interior Bureau of Land Management Las Cruces, New Mexico, March 1999, Preliminary Final Environmental Impact Statement, Copper Flat Project**

Alta Gold Company, Inc proposes to reinitiate copper mining activities in the Hillsboro Mining District located near Hillsboro, NM.

electronic copy, 491 pages

**MSDS, Material Safety Data Sheet, Copper Concentrate, Vale Inc, [www.valeinco.com](http://www.valeinco.com)**

Product Composition and Toxicological Data

Physical Data

Fire or Explosion Hazard

Reactivity and Stability

First Aid Measures

Preventative Measures Spill, Leak and disposal Procedures

Preventative Measures Special Protection Information

THEMAC Resources, New Mexico Copper Corporation, Copper Flat  
Mine Plan of Operations Report

prepared for U.S. Department of the Interior Bureau of Land Management Las Cruces  
District Office, December 2010, Revised June 2011.

NMCC\_PoO\_191000\_03\_20111120\_FNL.doc.

electronic copy, 358 pages

Office of the State Engineer, New Mexico,  
Rules and Regulations Governing the Appropriation and Use of Ground Water in  
New Mexico, 1995

(Revised August 2006), John R. D'Antonio, Jr., PE State Engineer,  
electronic PDF, 31 pages

Environmental Mining Council of British Columbia

[www.miningwatch.org/emcbc/publications/amd\\_water.htm](http://www.miningwatch.org/emcbc/publications/amd_water.htm)

**ACID MINE DRAINAGE or AMD**

- AMD is the mining industry's greatest environmental problem and its greatest liability. Once it starts, AMD can effectively sterilize an entire water system for generations to come - turning it into a biological wasteland and a huge economic burden."
- "the present state-of-the-art does not provide any universal solutions" for AMD."
- The sulphide sulphur in the ore continually reacts with air and water to form sulphuric acid, which leaches out the heavy metals, especially copper."
- When the mining industry argues that new mining development is "essential" to our way of life, it tends to understate the fact that we could and should achieve many of our metals needs through better re-use and recycling of existing metal products. (continued on next page)
- The science of predicting AMD is still far from conclusive. The gap between the theoretical tests and the real world dynamics of AMD provides reason for caution when mines are assessed and permitted.
- To permit an identified acid generating mine means that we are asking future generations to take on the responsibility for toxic waste sites that are going to have to be managed for possibly hundreds of years. Predictions about the success of managing this waste in the long term are, at best, speculative.

Preventing & Mitigating Acid Mine Drainage

- Containing the waste material and runoff (with liners, impervious pads, diversion and collection ditches, etc.) *sometimes* keeps the pollutants from running off the mine site into surrounding groundwater or streams.
- most reliable strategy for preventing AMD is to *submerge the waste rock or tailings under water* (behind an impoundment or in a natural water body) to prevent exposure to oxygen.
- mix it with *lime*, then cover it with one metre of till
- bring the leachate to a *treatment plant* using alkaline and sludge measures.
- *paste backfilling*
- *blended dumps.*
- None of these solutions worked without other adverse consequences.

Is Water the New Gold?, by Anthony Mirhaydari, MSN Money, 6/22/2011

The next hot commodity for investors could be one you think is everywhere,  
but which in reality is increasingly hard to find: **Clean**, fresh water

Overview of New Mexico's Groundwater Code.

James C. Brockmann, Stein & Brockmann, P.A., Santa Fe, NM, 27th Biennial Groundwater Conference and 18th Annual Meeting of the Groundwater Resources Assoc. of California, 2009, electronic PDF

### 1872 Mining Law

<http://www.friends-bwca.org/issues/sulf-de-mining/>



### OGALLALA AQUIFER DEPLETION

[http://www.naturalnews.com/031658\\_aquifer\\_depletion\\_Ogallala.html#ixzz1GrvMlvsh](http://www.naturalnews.com/031658_aquifer_depletion_Ogallala.html#ixzz1GrvMlvsh)

The largest underground freshwater supply in the world, stretching from South Dakota all the way to Texas.

**Aquifer depletion is a global problem**

### NEPA Handbook, H-1790.2k8.01.3011

BLM National environmental Policy Act, January 2008

pdf, pages 184

### US DEPT OF THE INTERIOR, BLM, Instruction

Memorandum No. CO-2004-014

Updated Environmental Assessment (EA), Categorical Exclusion (CE), and Documentation of Land Use Plan Conformance and National Environmental Policy Act (NEPA) Adequacy (DNA) Templates, Updated List of Critical Elements of the Human Environment in Bureau of Land Management (BLM) NEPA Handbook (H-1790-1) and EA-Level Guidance

### A History of the Gila River Basin in New Mexico, Events, Adjudication & Limitations

Frank Jackson, OSE District 3 Manager, New Mexico Gila River WaterMaster  
Power Point

### US EPA, Office of Water, 800-F-93-001, October 1993, Robert Perciasepe, Assistant

Administrator

General overview

### Loss of Wetlands in the Southwestern United States Roberta H. Yuhas, U.S.

Geological survey, Impact of Climate change and Land Use in the Southwestern United States, Impacts of Climate Change On Water Resources

<http://geochange.cr.usgs.gov/sw/impacts/hydrology/wetlands/>

### US DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT

MANUAL TRANSMITTAL SHEET, Release 3-318, 03/20/2004

3800- Mining Claims Under the General Mining Laws – (Public)

### Mining & Mineral Law by Jeanine Feriancek of Holland & Hart LLP

<http://library.findlaw.com/1999/Jan/1/241491.html>

## ANDACOLLO COPPER CONCENTRATE MATERIAL SAFETY DATA SHEET

TECK METALS LTD, Suite 3300, 550 Burrard St, Vancouver, BC, V6C 0B3

30 January 2012

### **Copper Concentrate**

Composition/ Information on Ingredients

Hazards Identification

First Aid Measures

Fire Fighting Measures

Accidental Release Measures

Handling and Storage

Exposure Controls / Personal Protection

Physical and Chemical Properties

Stability and Reactivity

Toxicological Information

Ecological Information

Transport Information

Regulatory Information

U.S.

Ingredients Listed on TSCA Inventory Yes

Hazardous Under Hazard Communication Standard Yes

CERCLA Section 103 Hazardous Substances Yes.....Copper .....RQ : 5,000 lbs. (2270 kg.)

[CERCLA – Comprehensive Environmental Response, Compensation, and Liability Act - Superfund]

EPCRA Section 313 Toxic Release Inventory (Supplier Notification):...Copper....

CAS No. 7440-50-8. % by Weight – 24-28%

Other Information: References

## Highland Valley Molybdenum Concentrate Material Safety Data Sheet

TECK METALS LTD, Suite 3300, 550 Burrard St, Vancouver, BC, V6C 0B3

June 15, 2010

Composition/ Information on Ingredients

Hazards Identification

Potential Health Effects:

Potential environmental Effects

EU Risk Phrases (s): R20- Harmful by inhalation; R32- contact with acids liberates very toxic gas, R40 – Limited evidence of a carcinogenic Effect; R36/37 – Irritating to eyes and respiratory system

First Aid Measures

Fire Fighting Measures

Accidental Release Measures

Personal Precautions

Environmental Precautions

Handling and Storage

Exposure Controls / Personal Protection

Where molybdenum concentrate dust and/or sulphur dioxide gas is generated and cannot be controlled to within acceptable levels by engineering means, use appropriate NIOSH-approved respiratory protection equipment (a minimum of a combination N-100 or P-100 particulate filter / acid gas cartridge) in an air purifying respirator (APR) or powered air purifying respirator (PAPR). A full face piece chemical cartridge respirator or even a self-contained breathing apparatus may be required for higher concentrations of sulphur dioxide gas.

Appearance:

Grey with green tones in colour

Odour:

Physical and Chemical Properties

Stability and Reactivity

Hazardous Decomposition Products

Toxicological Information

Skin/Eye

Inhalation

Ingestion

Chronic: Prolonged exposure to molybdenum concentrate dust or fume can cause irritation to the

(continued on next page)

upper respiratory tract. Prolonged inhalation of iron oxide fume causes a benign pneumoconiosis called siderosis. Alumina and molybdenum disulphide are considered to be relatively benign compounds with no significant effects on the respiratory system or other body organs. Chronic inhalation of crystalline free silica causes silicosis, a form of disabling, progressive, and sometimes fatal pulmonary fibrosis. Silicosis are also at increased risk of developing tuberculosis and/or lung cancer. IARC has classified crystalline silica of respirable particle size as a *Group 1 Carcinogen (Carcinogenic to Humans)* while ACGIH classifies it as a *Suspected Human Carcinogen (A2)*. The NTP recently reclassified silica as a *Known Human Carcinogen*. OSHA and the EU do not list silica as a carcinogen.

Ecological Information

Transport Information

Regulatory Information

**U.S.**

Ingredients Listed on TSCA Inventory ..... Yes

Hazardous Under Hazard Communication Standard ..... Yes

EPCRA Section 311/312 Hazard Categories ..... Delayed (Chronic) Health Hazard - Carcinogen (due to presence of silica)

Other Information: References

### NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

2010 Annual Report of the Mining Act Reclamation Program to the NM Mining Commission, Director:

Charles Thomas, P.E., Program Manager: Holland Shepherd

electron pdf of 68 pages.

New Mexico Copper Corporation submitted a sampling and analysis plan for the Copper Flat Mine, a proposed new regular copper mine in Sierra County. The operator has already submitted a plan of operation to the Bureau of Land Management (BLM). MMD and BLM are working together to address the federal NEPA and state Environmental Evaluation (EE) processes. (page 18) (other pages show permits and bonds)

### WATER CONVERSION TABLE

Montana Department of Natural Resources and Conservation

<http://www.dnrc.state.mt.us/wrd/home.htm>

Form No. 615 R10/2009

GPM, CFS, AF

General Water Requirements: various

Planning Guide for Water Use: various

### BLUE GOLD, THE GLOBAL WATER CRISIS AND THE COMMODIFICATION OF THE WORLD'S

WATER SUPPLY, by Maude Barlow, Chair, IFG Committee on the Globalization of Water, National Chair, Council of Canadians, June 1999

A Special Report Produced and Published by the International Forum on Globalization (IFG), "The wars of the next century will be about water." — **The World Bank**

### **REPORT SUMMARY**

- 1) Water belongs to the earth and all species
- 2) Water should be left where it is wherever possible
- 3) Water must be conserved for all time
- 4) Polluted water must be reclaimed
- 5) Water is best protected in natural watersheds
- 6) Water is a public trust to be guarded at all levels of government
- 7) An adequate supply of clean water is a basic human right
- 8) The best advocates for water are local communities and citizens
- 9) The public must participate as an equal partner with government to protect water
- 10) Economic globalization policies are not water sustainable

Available fresh water amounts to less than one half of one percent of all the water on Earth.

Thank you for this opportunity to express my concerns,

Thank you, also, for your continued attention to the protection of the fresh water of New Mexico.

Please do NOT include my email or phone number in any public reports.

Candace Browne  
P.O. Box 3642  
Truth or Consequences  
NM 87901

Tyrone Operations  
P.O. Drawer 571  
Tyrone, NM 88065

October 12, 2012

New Mexico Environment Department  
Ground Water Quality Bureau  
Attn: Kurt Vollbrecht  
P.O. Box 5469  
Santa Fe, NM 87502-5469

Dear Mr. Vollbrecht:

**Re: Comments on Proposed Copper Mine Rules Dated September 13, 2012**

In response to the public notice inviting written comments on the above-referenced proposed rules, this letter and its enclosure contain comments submitted on behalf of Freeport-McMoRan's New Mexico Operations, including Freeport-McMoRan Chino Mines Company, Freeport-McMoRan Tyrone Inc. and Freeport-McMoRan Cobre Mining Company (collectively "Freeport-McMoRan"). As you know, each of these operations are copper mines that will be regulated by the copper mine rules. To our knowledge, these are the only existing and operating copper mines that hold discharge permits under the current Water Quality Control Commission Regulations.

Representatives of Freeport-McMoRan participated in the Advisory Committee that met to advise the Environment Department regarding the development of the copper mine rules, including the adjunct Technical Committee. We commend the Environment Department for this process, which included open and candid discussions regarding all aspects of the copper mine rules. Freeport-McMoRan arranged for several experts to present to the Technical and Advisory Committees on significant topics, including leach stockpiles, waste rock stockpiles and materials characterization, and tailings impoundments. Freeport-McMoRan submitted extensive comments on the various working drafts of the copper mine rules that were circulated among the Advisory Committee. Freeport-McMoRan appreciates the participation and valuable input provided by all of the committee participants.

Freeport-McMoRan strongly supports the Environment Department's efforts to develop the copper mine rules consistent with the Water Quality Act and encourages the Department to present proposed copper mine rules to the Water Quality Control Commission consistent with the Commission's approved schedule. Freeport-McMoRan believes that the September 13, 2012 version of the copper mine rules takes a balanced approach to protect ground water quality consistent with the requirements of the Water Quality Act. The proposed copper mine rules would establish detailed requirements for pollution control measures and for monitoring that appear to have carefully considered the Advisory Committee and Technical Committee input. As is made clear by the various comments on the working drafts, the Advisory Committee did not reach consensus on all portions of the copper mine rules. On topics for which there was general consensus among all of the participants, Freeport-McMoRan believes that the September 13 version is consistent with the technical discussions. On some topics, the

Advisory Committee participants clearly did not reach a consensus, and the Department was left to choose among different approaches.

One topic on which there was only partial consensus is the use of liners as the required method for pollution control. The Advisory Committee generally reached a consensus that liner systems should be required for new leach stockpiles and associated process water and impacted stormwater impoundments, with some exceptions to design requirements for facilities constructed in areas where any solutions that escape will report to an open pit bottom. This consensus came by a significant concession on the part of the copper mining industry because there are numerous examples of copper leach facilities at the New Mexico mines that achieve successful control of groundwater impacts using other means than composite liners (such as favorable geologic and hydrologic conditions or groundwater capture systems). On the other hand, the Advisory Committee did not reach consensus that liners should be a standard requirement for construction of new tailings impoundments and waste rock stockpiles. Freeport-McMoRan presented experts who discussed typical industry designs for these facilities that consistently do not include liners, the technical difficulties in constructing and operating these facilities with liners, and alternative pollution control measures for these facilities when constructed without liners. For example, Freeport-McMoRan presented to the Advisory Committee that it has not been able to identify any waste rock stockpiles or tailings impoundments at U.S. copper mines that have been constructed with liners and described the technical and economic reasons why lined tailings impoundments are not practicable. With regard to open pits at copper mines, the September 13 proposal requires diversion of stormwater and a water management plan to address water generated within the open pit and pit dewatering. The proposal further provides that ground water quality standards do not apply within the area of hydrologic containment of an open pit during operations and, for open pits that are not flow-through pits, following closure. Freeport-McMoRan supports the approach taken in the September 13 draft, which provides that liners may be required if other pollution control measures are not shown to be adequate to protect ground water.

The September 13 proposed copper mine rule also specifies the locations where monitoring wells must be established to measure compliance with ground water quality standards at a copper mine. These locations are to be as close as practicable to a discharging facility, considering various factors. Freeport-McMoRan believes that this approach is reasonable and consistent with prior guidance given by the Commission for the Department to establish locations for measurement of compliance with standards at a mining operation.

Closure requirements are established in the September 13 proposal including requirements for regarding and installation of earthen covers. The standards in the September 13 proposal generally are consistent with closure requirements developed in conjunction with Environment Department staff and established through existing permit conditions.

The Department has proposed financial assurance rules for copper mines that are generally consistent with the rules issued under the New Mexico Mining Act. Freeport-McMoRan supports the adoption of rules by the Water Quality Control Commission that are consistent with the Mining Act Rules. The two laws and implementing regulations contain overlapping, but somewhat different, financial assurance requirements. Freeport-McMoRan believes that the Environment Department's proposal is a reasonable approach to address the

Mr. Kurt Vollbrecht  
October 12, 2012  
Page 3

overlapping requirements in a manner that establishes consistent rules while attempting to avoid requiring duplicative financial assurances.

The enclosed comments contain a number of suggested changes to the language used in the September 13 proposed copper mine rules along with reasons for those changes. These suggested changes include edits for clarity and consistent use of terminology and language throughout the proposed rule, changes that reflect comments previously provided on behalf of Freeport-McMoRan that were not included in the September 13 document and a few technical changes that Freeport-McMoRan believes are consistent with the overall approaches proposed in the September 13 document. While these changes are intended to improve the September 13 draft, as discussed above, Freeport-McMoRan is in overall support of the September 13 proposal.

Freeport-McMoRan looks forward to the Environment Department's completion of the copper mine rule to be formally proposed for consideration by the Water Quality Commission following consideration of comments. Freeport-McMoRan intends to participate in the Commission's hearing process and reserves the right to present additional and different comments and suggested language changes during that process. Thank you for the opportunity to present these comments.

Sincerely,



Timothy E. Eastep,  
Senior Manager - Administration  
New Mexico Operations

TEE:lan  
Attachment  
20121012-101

842 W. Hester St.  
Silver City, NM 88061  
October, 11, 2012

New Mexico Environment Department Ground Water Quality Bureau  
Attn: Kurt Vollbrecht  
P.O. Box 5469  
Santa Fe, NM 87502-5469

RE: 20.6.7 Copper Mine rule NMED Draft Sept. 13, 2012

Dear Mr. Vollbrecht and New Mexico Environment Department.

I attended and spoke at the public meeting held in Silver City on September 26, 2012. But I would like to make the following further comments regarding the Copper Mine Rule NMED Draft of September 13, 2012. To make my principal point first, *I am opposed to this latest draft* of the Mine Rule, which significantly weakens the prior protective language of the draft created from the mandated joint stakeholder process and therefore likely violates the spirit and intent of the original law.

A. As former storm water management regulator for the Maryland Department of the Environment (MDE), I am acutely aware of the pressures, conflicting interests and perceptions, and politics involved when a major player is required by law to conform to best management practices. In just such a scenario involving the country's largest retailer, the joint efforts of the MDE, the Maryland Dept. of Natural Resources, and the Army Corps of Engineers to protect an endangered stream by requiring adjustments to the proposed building's footprint were suddenly, without explanation, overridden via a "word from above," i.e., "back off." Did some similar "exertion of influence" likewise undo months of efforts, science, and negotiations to produce this "silently" revised version of the draft? We, the affected public, do not know, for no explanation was provided at the public meeting, despite requests. Likewise, there was no edited version made available so that the public could see and determine for itself what was changed and whether or not it matters. So a public hearing was held with *a public kept in ignorance* of the entire process and possible ramifications --in essence keeping us too ignorant to protect our own interests. And I would think that as a publically funded, government entity, the NMED should make "informed consent" by the public, which is affected by its determinations, a top priority.

This is a worrisome failure of transparency, and I hope that the public hearing in January 2013 will be completely open and clear and provide any requested information to anyone who asks for it. The current opacity regarding the latest draft engenders the question of who is hiding what and why, leads to mistrust, and thus has more than whiff of cronyism. In my opinion, this context challenges the integrity and validity of the Sept. 13 draft.

B. At the public meeting, a number of individuals spoke favorably of Freeport-McMoRan, attesting to the corporation's role as 1) the major employer and 2) a good employer and generous supporter of many programs *within Grant County*. This is all to the good; I do not disagree. But these assertions and character references are *irrelevant* to the regulatory requirements; they should not be used as a rationale for excusing an enterprise from instituting best management practices intended to protect the long-term water quality and health of adjacent individuals and communities.

The first assertion points to the understandable fear in our community that the largest employer will close down again, with harmful economic impacts. But I did not hear Freeport's representative provide an estimate of effects on corporate profitability, *for our mines*, of abiding by the earlier draft's requirements, nor did he state that anything other than the Sept. 13 draft version would force Freeport to cease operations *in our area*. And my emphasis points to a related issue: this mining law applies to the *entire state* and to *other operators* as well, so the parochial concerns of just Grant County and just Freeport should not carry more weight than overall considerations of the empowering law, which gives primacy to *protecting water quality and thus public health throughout the state and across all mining operations*.

Regarding the "character references": just because someone/some entity is a "nice guy" doesn't mean it is entitled to breaks from the law and associated regulations. Best management practices exist for a reason. They are not perfect, but they are an attempt to raise the quality and safety of any operation. For example, best management practices/regulations exist for dentistry, which is also a form of free enterprise and which has potential impacts on public health, even beyond the walls of a given practice. I rather doubt that any of the folks attesting to the good character of Freeport's management in Grant County as a rationale for letting the company operate below best standards would be willing to send their children (or themselves) to a dentist—even if he/she was the nicest, most generous person in the world—if they knew that the practitioner used inadequately shielded and outmoded x-ray equipment or failed to use protective gloves . . .

3. In conclusion, I implore NMED, in its final draft rule, address the following specific considerations:

—Make the rule consistent with the New Mexico Water Quality Act and do not permit any contamination by any operator above the established standards.

— Require nothing less than best management practices from all operators with regard to operations, closure, post-closure, contingency, monitoring, and reporting requirements.

— Improve public notification requirements so that property owners within 1 to 5 miles of mine sites are notified of permit applications, renewals, modifications or amendments.

—Include “bad actor” language that requires full disclosure of an applicant’s and operator’s current and past environmental, labor and safety compliance violations.

I do realize how difficult and thankless (and precarious) a regulator’s job can be. But we, the public, are relying on you execute the laws and protect us (and yourselves, too). And there are many among the public who will work diligently with you to help you fulfill your mission **“to provide the highest quality of life throughout the state by promoting a safe, clean and productive environment.”**

Thanks for this opportunity to provide my input.

Yours truly,

Starr Belsky,

Store owner and freelance editor

Silver City, NM 88061

575-388-2280 (home)

NM Environmental Department

October 11, 2012

Comments Regarding Draft Rule for Copper Mining Water Quality

Dear Sir;

I am deeply concerned about NMED's acceptance of the pro-industry demands regarding water quality for Copper Mines. NM Ground Water is a precious resource in these times of drought and allowing continuing contamination and potential contamination by Copper Mining Companies is not in the best interest of the citizens or this state. The standards should not reflect the mining industries attempts to do business as usual. This includes allowing Freeport to create new tailings and stockpiles without liners leading to potential contamination of surface and ground water supplies.

I feel that any legislation or changes in the standards for copper mining should reflect the best practices to minimize releases of contaminants that enter surface and ground water. The rule should be consistent with the NM Water Quality Act and not allow for levels of contamination known to be hazardous. The rules for closure, post-closure, monitoring and reporting should reflect the best practices currently known for copper mining. The new rule should not allow industry to continue lax safety practices and the continued environmental degradation as this rule does.

There also needs to be in place open and full disclosure of a company's current and past history of environmental, labor and safety compliance violations. The NMED is the primary agency that is in place to protect the environment and health of New Mexico citizen's against industries out to make a profit and ignoring the public health and welfare. Please say NO to the Pro-Industry Mining Rule that will continue to allow contamination of our water resources.

Sincerely,

Majerie Powey

PO Box 204

Williamsburg, NM 87942

575-740-0421

To: NM Environment Department  
Water Quality Bureau  
[Coppermine.reg@state.nm.us](mailto:Coppermine.reg@state.nm.us)

Attention: Kurt Vollbrecht

From: Max Yeh  
[maxyeh@windstream.net](mailto:maxyeh@windstream.net)

Date: October 11, 2012

Re: Draft of Proposed Copper Mining Rules

First, I make two general comments on principles and procedures, and then I will comment on specific texts.

Normally, “grandfather clauses” are used in regulations for the sake of fairness to any operations that are ongoing and abiding by previous, antecedent regulations. This attempt at fairness, however, runs counter to the reason for updating previous regulations because it allows the persistence of hazards to public health and safety. The procedure used by the Environment Department in drafting these rules with the active participation of the stakeholders addresses fully the fairness issue. It takes away the need for grandfather clauses, and thus there is no reason for 20.6.7.39A and C.

Nor is there place in a general, public rule to address individual situations, which is done in 20.6.7.39B, there being only one copper mine with an application on file but not yet permitted by draft. The denial of grandfathering here contradicts the granting of grandfathering in A and C. This gerrymandering is especially apparent when the requirement holding NMCC’s Copper Flat Project to the new rules is itself bypassed by an internal grandfathering clause. 20.6.7.19 exempts NMCC from the Setback Requirements, for no apparent reason. I will return to this issue when I comment on that clause. For now, I wish to note only that none of these grandfather clauses has a place in a process in which all stakeholders have participated freely.

My second general comment pertains to the legislative charge and the purpose of these rules, to protect people’s health through a uniform code which need not be negotiated point by point and at every occasion. In this regard, it seems to me the language of the rules should not contain terms that are vague in meaning and thus open legitimately to a range of meanings, terms such as “as practicable” or “to the extent practicable” or “reasonable.”

Textual Comments:

20.6.7.7B(14): “copper mine facility” should include the production wells and pipelines when the wells are not within the facility itself. Although, technically, the water is not “impacted” by the operation, if the water is from a non-potable source, for example a deep well, the water is a threat to potable aquifers in shallower confines. The handling of this water, therefore, would need to be addressed in these rules, “as if” it were impacted waters.

20.6.7.14: What conditions require permit amendment? Only conditions of operation so that amendment is instigated by the operator? Or, can new safety measures and better practices necessitate amendments, in which case the Department ought to have the right to require amendments to the permit.

20.6.7.17D(2)(b): The bottom of the pit can be used as an impoundment? This contradicts the definition of "impoundment" [20.6.7.7(34)] which is something specifically designed and wherein it specifies that the "pit bottom" is not an impoundment. Since the pit bottom is or can be well below groundwater level with water flowing through, this seems a hazardous scenario.

20.6.7.19: There is no reason why NMCC should be exempt from a rule of setback; nor should NMCC be allowed possible contamination of drinking water by virtue of having filed an incomplete application. The setbacks are too short, given the types of possible contaminants. Why the drinking water for the miners should be less safe than normal public drinking waters makes no sense, especially from the point of view of an entity such as the Water Quality Control Commission, either by allowing no setbacks for old wells or drilling of new wells near contamination.

20.6.7.37: Does the public have a right of access to the records, and would it not be easier to specify that right here in the rules?

Reply Reply All Forward

## proposed copper mine regs

Monica Rude [desertwoman@gilanet.com]

To: reg, coppermine, NMENV

Thursday, October 11, 2012 9:27 AM

NMED - The New Mexico Legislature required the WQCC to adopt specific rules for the copper mining industry to prevent water pollution, to monitor water quality and to ensure regulatory compliance.

The State of New Mexico (ie, the people) spent a lot of money & many people spent a lot of effort discussing proposed regulations to protect our water from the negative impact of mining in our area. I am appalled that the State (administration) has now bypassed all that effort to go with proposed regulations that benefit the mining industry & will continue to contaminate our ground water, as usual.

The creation of these rules presents an excellent opportunity to set standards for the best mining practices to be used now & in the future, here in New Mexico & all over the world. We could be leading the way to better practices, instead we are continuing the same methods that have already polluted our water and will continue to do so for as long as the mines are allowed to get away with it. Stricter regulations might result in the mines spending a little more money to get the ore out but why should they profit billions of dollars annually while destroying our water supply with their toxic tailings which we will have to deal with into perpetuity? Current mining practices are "killing us softly" with promises of jobs & contributions to our scholarship funds in the name of economic development while creating a legacy of leaching poisons. Future generations will view these practices as conscious short-sighted, negligent & abusive greed.

Jim Goodkind said it best at the Silver City public comments meeting when he said, "If you ain't got water, you ain't got nothin'." Let's protect it while we still have some.

Thank you for your attention.

Monica Rude  
Gila NM

Reply Reply All Forward

## Copper Mine Proposed Regulations

Norval Smith [vansmith@live.com]

To: reg, coppermine, NMENV

Thursday, October 11, 2012 1:36 PM

My comments on subject proposed regulations:

- I object to the Freeport-McMoRan end-run around the stakeholder process that resulted in a pro-industry rule that is not protective of the state's groundwater supplies.
- The rule should be consistent with the NM Water Quality Act and not routinely allow contamination above standards.
- The rule should incorporate industry best management practices for operational, closure, post-closure, contingency, monitoring and reporting requirements.
- The rule should include improved public notification requirements so that property owners within 1 - 5 miles of mine sites are notified of permit applications, renewals, modifications or amendments.
- Bad actor language needs to be included to require full disclosure of the applicant's and operator's current and past environmental, labor and safety compliance violations.

Thank you.

Norval V. Smith

1304 N. Bennett St, Lot 31, Silver City NM 88061

Reply Reply All Forward

## Water Quality Rules

Richard Ducotey [rducotey@gmail.com]

To: reg, coppermine, NMENV

Wednesday, October 10, 2012 10:06 PM

Please take the following into consideration for the new water quality rules:

- I object to the Freeport-McMoRan end-run around the stakeholder process that resulted in a pro-industry rule that is not protective of the state's groundwater supplies.
- The rule should be consistent with the NM Water Quality Act and not routinely allow contamination above standards.
- The rule should incorporate industry best management practices for operational, closure, post-closure, contingency, monitoring and reporting requirements.
- The rule should include improved public notification requirements so that property owners within 1 - 5 miles of mine sites are notified of permit applications, renewals, modifications or amendments.
- Bad actor language needs to be included to require full disclosure of the applicant's and operator's current and past environmental, labor and safety compliance violations.

Thank you,  
Richard Ducotey  
Silver City, NM

## Vollbrecht, Kurt, NMENV

---

**From:** Teri Hruska <hruskroo@gmail.com>  
**Sent:** Wednesday, October 10, 2012 11:34 AM  
**To:** Vollbrecht, Kurt, NMENV  
**Subject:** stop groundwater pollution

It amazes me that still in this age, that we even question the idea of mining and pollution. Until that industry can operate in a safe and unpolluting manner, they should not be allowed to operate.

I also think that reclamation is a joke. The beautiful geography of the area is now replaced with an ugly machine created hill. Imagine a landscape of this monotonously planned formations.

Please vote for clean water, for the people!

Teri Hruska

Grant county property owner.

## **Vollbrecht, Kurt, NMENV**

---

**From:** mimbresblackhawk <mimbresblackhawk@gmail.com>  
**Sent:** Wednesday, October 10, 2012 7:38 AM  
**To:** Vollbrecht, Kurt, NMENV  
**Subject:** Copper mining rules

As a resident of Grant Co. and a user of water for irrigation and domestic use, I am concerned about the local mining industries attempt to maximize profits at the expense of the local populations health. I am trusting the State of New Mexico will be an advocate for the health of all New Mexico and not allow corporations to write the rules for their benefit.

Ken Barr

Reply Reply All Forward

## water quality rule for copper mines

tom hester [tcc@patriot.net]

To: reg, coppermine, NMENV

Wednesday, October 10, 2012 10:00 PM

New Mexico Environmental Department:

I write to support the Department's propagating a rule consistent with the New Mexico Water Quality Act (restricting all but extraordinary contamination of water above specified standards) as well as a rule that resulted from extensive negotiations among stakeholders (who, since I am an area resident, would include me).

I am a retired statistician, coming almost a decade ago from an Eastern U.S. state. I find disturbing several points: \* pollution of surface or ground water from old or new copper mine tailings spells the loss of that water directly to human consumption or agriculture \* yet the copper company asserts that a state agency responsible for the protection of that water should accept less than the most rigorous, modern methods for isolating tailings and \* the mine contends that the agency itself should accept delayed monitoring and less than full disclosure. Taken as a whole, those points are breathtaking in a state where the most important commodity for our existence and prosperity is water.

I urge the Department to promulgate the rules that resulted from the stakeholders' negotiations. I urge the Department to put into place a system that will closely and appropriately monitor the company's practices. By its very contentions in response to the rule making process, the company has shown itself to be an unwilling actor for the

## Vollbrecht, Kurt, NMENV

---

**From:** Kim McCreery <ekmccreery@earthlink.net>  
**Sent:** Wednesday, October 10, 2012 6:39 PM  
**To:** Vollbrecht, Kurt, NMENV  
**Subject:** RE: 'No' on new proposed water quality rules at copper mines

Dear Mr. Vollbrecht,

As a Grant County resident and someone who cares about my family and neighbors, I am appalled that the new proposed rules to protect water quality at copper mines will allow continued contamination of our surface and groundwater supplies. After lengthy stakeholder input, NMED's modified draft shows a striking disregard for public health and the long-term socio-economic costs for future generations. Do people matter? Or do the profits of Freeport-McMoRan matter more? Contrary to the proposed rules, the following regulations should be enacted to safeguard public health and participation in protecting our water from further contamination:

- As required by the Water Quality Act, all tailing facilities and stockpiles should have liners unless a variance is obtained, and all present and foreseeable groundwater sources should be protected from contamination. If you care about public health, limiting protections is unacceptable.
- Consistent with the Water Quality Act, variances should be required if water quality is to be compromised *outside or within* the open pit drainage area.
- Private engineers working for the mine should NOT be granted any regulatory authority. That constitutes a conflict of interest.
- No restrictions should be placed on the public's statutory right to request a hearing regarding a mining application.
- Water quality monitoring and reporting should be *required quarterly* to identify and remedy problems before they pose an even greater threat to public health.
- Post reclamation, NMED should provide financial insurance for 100 year to cover any water quality problems.
- There should be full disclosure of all compliance violations.
- The distance between mining operations and drinking water sources should exceed 1000 ft. for obvious reasons.

Water is life. Corporate dollars and influence should not threaten public health and oversight. Freeport-McMoRan has a responsibility to our rural communities and so do you. NMED's proposed rules are short-sighted and pro-industry at the expense of the public good.

Thank you for giving me the opportunity to express my concerns.

Sincerely,

Kim McCreery, Ph.D.  
208 N. California Ave  
Silver City, NM

Reply Reply All Forward

## Ground Water Quality

Patricia Pawlicki [hidesertsustainableliving@gmail.c...

To: reg, coppermine, NMENV

Wednesday, October 10, 2012 7:26 PM

**As a concerned citizen of Grant County New Mexico, I would like to make the following points regarding the Pro-Industry Mining Rule and Ground Water Quality:**

I, Patricia Pawlicki, object to the Freeport-McMoRan end-run around the stakeholder process that resulted in a pro-industry rule that is not protective of the state's groundwater supplies. It is my belief that the rule should be consistent with the NM Water Quality Act and not routinely allow contamination above standards. The rule should incorporate industry best management practices for operational, closure, post-closure, contingency, monitoring and reporting requirements. The rule should also include improved public notification requirements so that property owners within 1-5 miles of mine sites are notified of permit applications, renewals, modifications or amendments. Further more, bad actor language needs to be included to require full disclosure of the applicant's and operator's current and past environmental, labor and safety compliance violations.

It is very important to me that you adhere to the above position when considering Ground Water Quality in the Pro-Industry Mining Rule. Water is our most precious resource and there will come a time when the integrity of my position must be answered to.

Thank you for your kind consideration in this matter.

Sincerely,  
Patricia Pawlicki  
401 W. Gordon St.  
Silver City, NM 88061

Reply Reply All Forward

Water protection .

JEANNETTE GIESE [jgiese36@yahoo.com]

To: reg, coppermine, NMLNV

Wednesday, October 10, 2012 3:21 PM

Sirs: We would like to state that Freeport must respect the New Mexico groundwater protection act for water quality.

Jeannette and Dale Giese

26 Valley Drive Silver City, N.M. 88061

[Reply](#) [Reply All](#) [Forward](#)

## Comments on new rule for copper mines

Stan and Robbin [stanandrob@windstream.net]

To: reg, coppermine, NMENV

Wednesday, October 10, 2012 2:19 PM

- You object to the Freeport-McMoRan end-run around the stakeholder process that resulted in a pro-industry rule that is not protective of the state's groundwater supplies.
- The rule should be consistent with the NM Water Quality Act and not routinely allow contamination above standards.
- The rule should incorporate industry best management practices for operational, closure, post-closure, contingency, monitoring and reporting requirements.
- The rule should include improved public notification requirements so that property owners within 1 - 5 miles of mine sites are notified of permit applications, renewals, modifications or amendments.
- Bad actor language needs to be included to require full disclosure of the applicant's and operator's current and past environmental, labor and safety compliance violations.

Stan Brodsky  
39 Tulpia Trail  
Hillsboro, NM 88042

Reply Reply All Forward

## PROPOSED NEW WATER QUALITY RULES FOR COPPER MINES

Renate Heygster [renate39@yahoo.com]

To: reg, coppermine, NMENV

Wednesday, October 10, 2012 1:44 PM

To whom it may concern:

The rule should incorporate industry best management practices for operational, closure, post-closure, contingency, monitoring and reporting requirements.

The rule should include improved public notification requirements so that property owners within 1 - 5 miles of mine sites are notified of permit applications, renewals, modifications or amendments.

Your consideration will be much appreciated

Warm regards  
Renate Heygster

Unity is thy Nature; Diversity is thy Glory!

Reply Reply All Forward

groundwater protection You object to the Freeport-McMoRan end-run around the stakeholder process that resulted in a pro-industry rule that is not protective of the state's groundwater supplies. The rule should be consistent

Ron Henry [ronhenry2@gmail.com]

To: reg, coppermine, NMENV

Wednesday, October 10, 2012 1:00 PM

- I object to the fact that the stakeholder process has been ignored or diluted which has resulted in a pro-industry rule that is not protective of the state's groundwater supplies.
- The rule should be consistent with the NM Water Quality Act and not routinely allow contamination above standards.
- Thank you,
- Ron Henry

Reply Reply All Forward

## Public Comment

nancy williamson [nancywnm@gmail.com]

To: reg. coppermine, NMENV

Wednesday, October 10, 2012 10:47 AM

To whom it may concern,  
Thank you for protecting New Mexico for our grandchildren.

My name is Nancy Williamson and I live in Grant County New Mexico. I am very concerned about water quality and quantity.

I am submitting to you the following statements as my public comments:

- I object to the Freeport-McMoRan end-run around the stakeholder process that resulted in a pro-industry rule that is not protective of the state's groundwater supplies.
- The rule should be consistent with the NM Water Quality Act and not routinely allow contamination above standards.
- The rule should incorporate industry best management practices for operational, closure, post-closure, contingency, monitoring and reporting requirements.
- The rule should include improved public notification requirements so that property owners within 1 - 5 miles of mine sites are notified of permit applications, renewals, modifications or amendments.
- Bad actor language needs to be included to require full disclosure of the applicant's and operator's current and past environmental, labor and safety compliance violations.

Reply Reply All Forward

## Comments on New Water Quality Rules for Copper Mines

A. Tegarden [hajr23@yahoo.com]

To: reg. coppermine, NMLNV

Wednesday, October 10, 2012 10:38 AM

To: New Mexico Environment Department Ground Water Quality Bureau  
Attn: Kurt Vollbrecht

Greetings,

My name's Andrew Tegarden, a concerned citizen of Silver City, New Mexico. It's been brought to my attention that new rules are being considered regarding water quality requirements of copper mines in New Mexico. As I understand it, a stakeholder dialoguc process related to these new proposals has come and gone, and that the parties involved came to a tentative agreement regarding the issues. The stakeholder process included the state environment department, the industries affected, and community groups, but that the consensus arrived at, or at least the concern of groups that have the community's best interest in mind, has not been honored in the final rules proposal for the industry. Please return to the public's best-interest consensus, and don't continue along the path of instituting further exceptions to basic water quality standards. My opinion is, despite the necessity of copper, the health and safety of our community should not be beholden to a something that is simply "grandfathered" in. The long-term well-being of the community, which holds the majority, does indeed outweigh the concerns of the copper industry. Regulations always suck for whoever is underneath them, and those whose job it is to be the enforcer, it is an incredible and difficult task, but it is not a thankless one. So, thank you. Please know that your department's position is critical and important, and the we citizens need you and appreciate what you do. Please do us proud.

--Andrew Tegarden

Anita F. McMahon  
125 Country Road  
Silver City, NM 88061

GROUND WATER

OCT 10 2012

BUREAU

October 8, 2012

Kurt Vollbrecht  
New Mexico Environment Department  
Ground Water Quality Bureau  
Harold L. Runnels Building  
1190 St. Francis Drive  
Suite N4050  
Santa Fe, NM 87505

RE: Proposed New Rules for Water Quality at Copper Mines

Dear Mr. Vollbrecht:

After attending the public hearing in Silver City September 26th and then reading over the final draft of the proposed rules, I was quite frankly shocked, angry and dismayed at an obvious sabotage of the process of the stakeholders meetings. Shocked because I had never seen anything this blatant. Angry because it demonstrated total disrespect for the process and the participants in the process who had made personal sacrifices of time and money to travel from Silver City to Santa Fe and ABQ numerous times. Dismayed because the amount of money to have Copper Industry follow the version of the draft of the rules, that all participants last agreed on, is a small expense for Freeport and other Copper Companies.

Was it the Governor who did this? Why are the behind the scenes meetings that led to the draft, which surprised us on Sept 26<sup>th</sup>, being kept secret?? In my mind, it had to come from high enough in the Administration to make the Water Quality Bureau and the New Mexico Environmental Department personnel fear for their jobs! This is not how we should conduct ourselves in a Democracy.

There are other aspects of this sabotage that are scary. ***There is no need to sacrifice our water quality to keep Freeport or any other Copper Company in New Mexico.*** They will be here as long as there is copper to be mined because that is their business. Secondly, Freeport Management, that would make decisions about how their workers protect our Grant County soil and water from their sulfuric acid leeching process, do not live in this State permanently or at all and they do not care about New Mexico the way we residents have to care. Thirdly, we are dependent on underground aquifers, formed millions of years ago, for water. Once that water quality is compromised, there is no other. We are already suffering another drought year and long range forecasts do not bode well in the face of global warming.

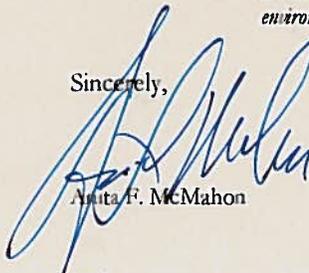
Freeport has demonstrated previous contamination of water supplies in Grant Country, which lead to a 12-year lawsuit to obtain compensation. Why go through this again? This is needless.

Without water we have nothing.

Please bring back the last revision of the rules, to which all stakeholders were present and a party to, and make these rules the current proposed rules. The Draft as it now stands is woefully deficient as the following bullet points illustrate.

- *It is a pro-industry rule that is not protective of the state's groundwater supplies.*
- *It is not consistent with the NM Water Quality Act and would routinely allow contamination above standards.*
- *It does not incorporate industry best management practices for operational, closure, post-closure, contingency, monitoring and reporting requirements.*
- *It does not should include improved public notification requirements so that property owners within 1 - 5 miles of mine sites are notified of permit applications, renewals, modifications or amendments.*
- *It does not include bad actor language needs to be included to require full disclosure of the applicant's and operator's current and past environmental, labor and safety compliance violations.*

Sincerely,

  
Anita F. McMahon

## Vollbrecht, Kurt, NMENV

---

**From:** Jan McCreary <cascabel@gilnet.com>  
**Sent:** Monday, October 08, 2012 10:44 AM  
**To:** Vollbrecht, Kurt, NMENV  
**Subject:** PLEASE Do NOT Weaken Environmental Rules For Freeport-McMoRan In Grant County

Dear Mr. Vollbrecht,

It has come to my attention that the mining giant corporation Freeport-McMoRan is attempting to weaken New Mexico statutes allowing it to pollute the groundwater in Grant County. We live about 20 miles west of Silver City and our groundwater would be greatly affected by lax rules at the Tyrone copper mine. I also understand that the Susana Martinez administration is apparently complicit in weakening our groundwater and other environmental rules for the mining industry.

We are very upset that our water quality in Grant County is about to be sabotaged and ask you to consider the health of our communities instead of caving in to a global corporation that obviously does not care about our state or citizens.

Thank you for reading this letter.

Sincerely,  
Jan McCreary

## Vollbrecht, Kurt, NMENV

---

**From:** Ann McMahon <Ann.McMahon@powerc.net>  
**Sent:** Monday, October 08, 2012 8:26 AM  
**To:** Vollbrecht, Kurt, NMENV  
**Subject:** Water Quality Rules for Copper Mining

**Importance:** High

Good Morning, Mr. Vollbrecht -

After attending the public hearing in Silver City September 26th and then reading over the final draft of the proposed rules, I was quite frankly shocked, angry and dismayed at an obvious sabotage of the process of the stakeholders meetings. Shocked because I had never seen anything this blatant.. Angry because it demonstrated total disrespect for the process and the participants in the process who had made personal sacrifices of time and money to travel from Silver City to Santa Fe and ABQ numerous times. Dismayed because the amount of money to have Copper Industry follow the version of the draft of the rules, that all participants last agreed on, is a small expense for Freeport and other Copper Companies.

Was it the Governor who did this? Why are the behind the scenes meetings that led to the draft we saw and heard on Sept 26th being kept secret?? In my mind, it had to come from high enough in the Administration to make the Water Quality Bureau and the New Mexico Environmental Department personnel fear for their jobs! This is not how we should conduct ourselves in a Democracy.

There are other aspects of this sabotage that are scary. ***There is no need to sacrifice our water quality to keep Freeport or any other Copper Company in New Mexico.*** They will be here as long as there is copper to be mined because that is their business. Secondly, Freeport Management, that would make decisions about how their workers protect our Grant County soil and water from their sulfuric acid leaching process, do not live in this State permanently or at all and they do not care about New Mexico the way we residents have to care. Thirdly, we are dependent on underground aquifers, formed millions of years ago, for water. Once that water quality is compromised, there is no other. We are already suffering another drought year and long range forecasts do not bode well in the face of global warming.

Freeport has demonstrated previous contamination of water supplies in Grant Country which lead to a 12-year lawsuit to obtain compensation. Why go through this again???? This is needless.

Without water we have nothing.

Please bring back the last revision of the rules, to which all stakeholders were present and a party to, and make these rules the current proposed rules. The Draft as it now stands is woefully deficient as the following bullet points illustrate.

- It is a pro-industry rule that is not protective of the state's groundwater supplies.
- It is not consistent with the NM Water Quality Act and would routinely allow contamination above standards.
- It does not incorporate industry best management practices for operational, closure, post-closure, contingency, monitoring and reporting requirements.
- It does not should include improved public notification requirements so that property owners within 1 - 5 miles of mine sites are notified of permit applications, renewals, modifications or amendments.
- It does not include bad actor language needs to be included to require full disclosure of the applicant's and operator's current and past environmental, labor and safety compliance violations.

Sincerely,  
Anita McMahon  
125 Country Road  
Silver City, NM 88061

Reply Reply All Forward

## proposed copper mine rules

torie [tjgoodkind@gmail.com]

To: reg, coppermine, NMFNV

Sunday, October 07, 2012 11:00 AM

Dear NMED,

As a resident of S.W. New Mexico for over 30 years, I am well aware of the economic importance of mining. I am also aware of the long history of irresponsible mining in New Mexico and the damage to water sources, land and the health of local residents that irresponsible mining has caused, as well as the cost to taxpayers for cleanup. History has also repeatedly shown us that the mining industry will not voluntarily protect the local environment, health of its neighbors or water sources unless forced to do so by strong state and federal laws and vigorous enforcement of those laws.

I fully support **RESPONSIBLE** mining in my county and state.

The proposed draft of the "Copper Mine Rule" issued by NMED 9-13-12 however, is wholly inadequate. It suggests to me, a back door deal has been struck with the mining industry and NMED who's job it is supposedly, to protect the public and our resources for future generations. It appears our Administration NMED and the mining industry has put the interests of the industry and it's profit margin ahead of the environmental and human safety and health of the citizens of N.M. My trust as a stakeholder in this process has been lost.

**Responsible mining** practices include full and strict compliance with the N.M. Water Quality Act. as intended. (to prevent ground and surface water contamination at all "places of present and reasonably foreseeable future use") and ensures regulatory compliance. In addition, **responsible mining** practices should include the following:

- Liners beneath all stockpiles and tailing facilities must be mandated.
- Setback distances between mines and domestic and municipal wells and springs needs to be a minimum of 2,000 ft.
- All regulations for mining in N.M. must be consistent with the Water Quality Act.
- NMED regulatory authority cannot be delegated to private engineers that work for mine permittee's. (fox guarding the henhouse!)
- Industry "best practices" for monitoring and reporting must be required.
- Full disclosure of any mining applicant and operators current and past environmental, labor and safety compliance violation is needed.
- Public notification requirements and right to request a hearing need to be unrestricted.

If our water becomes polluted as a result of irresponsible mining practices and inadequate state and federal regulations who suffers? The answer is obvious, we all do, economically, environmentally, socially and physically. I do not trust the industry will do the "right thing". Their bottom line is profits.

I do expect and demand that NMED and my State Administration do the "right thing" to protect the current and future citizens and resources of New Mexico

## **Vollbrecht, Kurt, NMENV**

---

**From:** Renate Heygster <renate39@yahoo.com>  
**Sent:** Saturday, October 06, 2012 3:35 PM  
**To:** Vollbrecht, Kurt, NMENV  
**Subject:** Groundwater Protection Rules

As a registered voter and citizen of Silver City, NM, I strongly urge you to maintain strict regulations for water quality impacts from existing and future copper mining sites, including open pits, leachate, tailings piles, etc.

Your kind and considerate notice of maintaining our health concerning water quality is much appreciated.

Warm regards  
Renate Heygster

Unity is thy Nature; Diversity is thy Glory!

Reply Reply All Forward

## Water quality at Copper Mines

Bill Schum [schumbill@aol.com]

To: reg, coppermine, NMENV

Monday, October 01, 2012 9:23 AM

- I object to the Freeport-McMoRan end-run around the stakeholder process that resulted in a pro-industry rule that is not protective of the state's groundwater supplies.
- The rule should be consistent with the NM Water Quality Act and not routinely allow contamination above standards.
- The rule should incorporate industry best management practices for operational, closure, post-closure, contingency, monitoring and reporting requirements.
- The rule should include improved public notification requirements so that property owners within 1 - 5 miles of mine sites are notified of permit applications, renewals, modifications or amendments.
- Bad actor language needs to be included to require full disclosure of the applicant's and operator's current and past environmental, labor and safety compliance violations.
- Thank you very much, Marguerite Bellringer Silver City, NM

Reply Reply All Forward

## public comments Freeport-McMoRan

sherlock sherlock [sherlock1895@hotmail.com]

To: reg, coppermine, NMENV

Sunday, September 30, 2012 2:20 PM

In brief, I cannot understand why you support a pro-industry ruling that does not keep New Mexico's ground water safe. What is wrong with following the state's Water Quality Act? Why would you want to allow contamination above standards? Why are you not seeing that Best Practices are followed for monitoring and maintaining Grant County's ground water?

Why would you not want to properly notifying local residents about industry applications for renewals, modifications or amendments?

Why would you not want to include language that fully discloses a company's history of violations?

Please tell me why I am paying your salary if you are not following the law or even what citizens prefer.

G Campbell  
1000 College Ave  
Silver City NM 88061

Reply Reply All Forward

## Water quality and copper mine ruling

Rebecca M Summer [becsummer@gmail.com]

To: reg, coppermine, NIMENV

Friday, September 28, 2012 12:23 PM

To whom it may concern:

These are our comments to the the proposed new rules on water quality and copper mines.

- We OBJECT to the Freeport-McMoRan end-run around the stakeholder process that resulted in a pro-industry rule that is not protective of the state's groundwater supplies.
- The RULE should be consistent with the NM Water Quality Act and not routinely allow contamination above standards.
- The RULE should incorporate industry best management practices for operational, closure, post-closure, contingency, monitoring and reporting requirements.
- The RULE should include improved public notification requirements so that property owners within 1 - 5 miles of mine sites are notified of permit applications, renewals, modifications or amendments.
- BAD ACTOR LANGUAGE needs to be included to require full disclosure of the applicant's and operator's current and past environmental, labor and safety compliance violations.

Respectfully,  
Rebecca M Summer, PhD  
Richard Ducotey  
8 Foti's Road  
Silver City, NM

Reply Reply All Forward

## Water Quality at Copper Mines

Jean Eisenhower [jean7eisenhower@gmail.com]

To: reg, coppermine, NMENV

Friday, September 28, 2012 10:02 AM

You know what's needed and what's ethical:

Protect our ground water supplies.

No end-runs for Freeport-McMoRan.

Follow the Water Quality Act.

Incorporate industry best management practices.

Improve notification requirements.

Include "bad actor" language to require full disclosure.

Please do your work and represent the People, not the Corporations.

Jean

--

[jean7eisenhower@gmail.com](mailto:jean7eisenhower@gmail.com)

[jeaneisenhower.com](http://jeaneisenhower.com)

## Vollbrecht, Kurt, NMENV

---

**From:** marsden <marsden@zianet.com>  
**Sent:** Thursday, September 27, 2012 4:19 PM  
**To:** Vollbrecht, Kurt, NMENV  
**Subject:** comment on proposed coppermine water quality rules

I worked in the Chino Mines Company's Santa Rita Mine as a pit electrician and in their then state of the art concentrator and witnessed many spills and messes during my nearly 4 years there, and living in Silver City for quite awhile was here when a tailings pond operated at the Tyrone mine by the Phelps-Dodge Company broke and spilled their aqueous contents into the mangus valley.  
A messy business it is.

That said i choose at this time to only comment on the process as mentioned by the first 2 oral commenters, both from the environmental "stakeholders" side.

Knowing one of the organisations and several of its principals somewhat, after all silver city is only about 10,000 souls, i believe it when it was asserted that they and others met quite regularly with the other stakeholders starting in jan of 2012 and reached conclusions in writing proposing rules for copper mines and facilities to follow, and ,as they said these rules were later modified in closed door meetings with upper mgmt. of your bureau and the copper mining stakeholders.

How unfortunate !

Its bottled or hauled water for us !

What the hell, we're country folk....read expendable.

Now i've lived through the lesson again learned so many times and first so many years ago in kindergarden playing musical chairs.

Yours  
herbie marsden  
701 mountainview road  
silver city, new mexico 88061

September 27, 2012

Felicia Orth  
New Mexico Environment Department  
1190 St. Francis Drive, Room N2150  
P. O. Box 26110  
Santa Fe, NM 87502  
(505)827-0339  
[Felicia.orth@state.nm.us](mailto:Felicia.orth@state.nm.us)

Dear Ms. Orth:

I am writing to you on behalf of the Town of Silver City regarding comments made by Nick Sussillo at the public meeting held in Silver City on September 26, 2012, to present proposed new rules to protect water quality at copper mine facilities in New Mexico. Mr. Sussillo's comments were not authorized by the administration of the Town of Silver City, and they do not represent any Town policy, position, or opinion regarding the topic of the hearing.

Nor do the comments represent my experience or the nature of the Town's relationship with the mining industry in Grant County. Its managers and its workers are well respected member of our local communities, and the benefits that the industry brings in terms of jobs and revenues are central to our success and prosperity. The Town works cooperatively with its representatives on issues of common concern. I certainly look forward to a continued constructive relationship with the industry, and I want to be sure that the record of the public meeting reflects these positive opinions.

Sincerely,



Alex C. Brown  
Town Manager – Finance Director

cc: Richard Mohr, Vice-President Administration, Freeport McMoRan  
James R, Marshall, Mayor, Town of Silver City

From: John Vanvig  
4532 Whispering Hills Road  
Silver City, N.M. 88061

To: New Mexico Environment Department

Re: Copper mine water protection rules

Date: Sept. 26, 2012

Next to air, water is our most vital resource. Its quality and supply should enjoy the strongest protections we can devise:

- It seems ridiculous to me that we would argue about where and when pit liners are required--they should simply be mandatory wherever contaminants from stockpiles or tailings piles can leach into ground or surface waters. If anything, such facilities should be required to include much stronger protections for our water.
- Those facilities should also be restricted to areas much farther from household or livestock wells, municipal supply facilities, and springs. Five miles is barely enough; 500 to 1,000 feet is laughable.
- Increased public involvement in siting and pit operations--through notification of landowners within at least five miles of a pit site and the unrestricted right of citizens to request hearings on pit proposals--should be a priority.
- Obviously, the best possible management practices should be a basic obligation for any pit operator. In addition, mining companies should be required to fund independent research programs to model the companies' management practices, anticipate flaws in their system designs, and recommend improvements--with the goal of continuously improving those best possible management practices.

Why would we gamble with the safety and supply of our essential water resources?

Thank you,

A handwritten signature in black ink, appearing to read 'John Vanvig', written in a cursive style.

John Vanvig



September 26, 2012

TO: New Mexico Environment Department  
FROM: Grant County Prospectors  
RE: NMED Public Meetings on New Proposed Copper Mine Rules

To whom it may concern:

The Grant County Prospectors support the process that was enacted with legislation to require the Water Quality Control Commission to adopt rules in consultation with an advisory committee. Input gathered from these organizations, stakeholders and experts in the field should develop reasonable regulations that will allow the mining industry to remain an economic driver in our region as well as protect our natural resources.

The Grant County Prospectors purpose is to educate community members, regional and state agencies and organizations, and various policymakers about the needs of Grant County for the long-range improvement of its economic and community development conditions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike McMillan".

Mike McMillan  
2012 President Grant County Prospectors



*Because Water Matters*

**Comments on Draft Rule for Copper Mines  
Public Meeting in Albuquerque NM  
September 25, 2012**

Thank you for this opportunity to present public comment regarding the draft Rule for Copper Mines. My name is Michael Jensen; I am Communications Director for Amigos Bravos, a nationally recognized river conservation organization and stakeholder in the copper mine rulemaking process that began in December 2011.

***Yom Kippur***

I would first like to note that this meeting was scheduled on Yom Kippur, the holiest day of the year in the Jewish religion. A local internationally-respected expert on mining and impacted communities informed me that he could not attend this meeting and make public comment specifically because of Yom Kippur obligations. Scheduling an evening meeting for this day is insensitive at best.

***Closed-Door Draft***

Amigos Bravos cannot support this draft rule. Amigos Bravos would like to know why the current draft rule is so drastically different from the rule that was being worked on by the State's own stakeholder Technical and Advisory Committees. Despite months of intensive but productive stakeholder meetings, this draft rule ignores mutually agreed-upon compromises in favor of a wholesale adoption of the copper industry's wishes. All the stakeholders were working cooperatively to develop a reasonable draft of the new Copper Rule, but the draft released to the public by the Martinez Administration on September 13<sup>th</sup> is an extreme industry-modified version that strays far from previous drafts. The proposed rule as it stands now will allow existing contaminating activities to continue at existing copper mines and does not incorporate industry best practice in many areas.

This pro-industry rule will allow copper mines to create new tailings and stockpiles without liners, grant exemptions for activities that otherwise require a variance procedure from the Water Quality Act, and allow open pit water pumping and treatment in perpetuity. These proposed regulations will result in ever-increasing water contamination that will place New Mexico's drinking water and people's health at risk.

Amigos Bravos dedicated three days a month for six months to stakeholder meetings, in addition to working with our legal counsel and experts. We spent considerable resources to help the State develop the best possible rules, yet all of our recommendations, including some hard-to-swallow-compromises, have been totally ignored – despite the State's request for our input. Our participation has been ignored and our time has been wasted. We deserve and demand answers to these questions: "When were these changes made, who made them, why were they made, and

why was this done outside the protocol for stakeholder negotiations agreed to by all parties?" An answer tonight in front of the public would be helpful.

### *Key Concerns*

- Closed door settlement agreements related to one mine (Tyrone Mine in southern NM) should not be the basis for rules that are meant to regulate all new and existing copper mines
- Variances should be required where water quality standards will be compromised regardless of where the contaminating activity takes place, as is consistent with the Water Quality Act
- Consistent with industry best practices, liners should be required beneath **all** stockpiles and tailings facilities that have the potential to generate water contaminants, unless a variance is obtained as required by the Water Quality Act
- Despite many hours of intense discussions regarding slope stability, grading, and cover, NMED ignored Best Management Practices in favor of industry recommendations for closure requirements, which allow current polluting practices to continue
- As previously decided by the WQCC and upheld by the NM Court of Appeals in the case of the Tyrone mine closure-closeout plan, protection of groundwater quality should not be limited to specific points of compliance such as designated wells; the NM Water Quality Act requires protection of groundwater at all "places of present and reasonably foreseeable future use"
- The NMED's regulatory authority should not be delegated to private engineers who work for the mine permittee
- Industry best practices for monitoring and reporting should be required; the public draft modified by the Martinez Administration on behalf of the industry minimizes reporting requirements and permits water quality monitoring annually rather than quarterly
- In several places, the regulations impose a standard or requirement, but then include language that allows the applicant to propose an "alternate design." This is like having no standard at all and defeats the purpose of the statute that required WQCC to adopt standards
- Setback distances between mines and domestic wells, springs, and municipal wells need to be increased in order to protect public drinking water supplies; 500-1000ft is insufficient to protect important drinking water supplies
- Public notification requirements need to be significantly improved. Public notice should be mailed to landowners within 1-5 miles of the site, the distance a groundwater contamination plume can easily travel. The Dairy Rule requires notification of landowners 1 mile from the site; it is reasonable that the mining rule should require notification at least 1 mile from the mine site
- The public's statutory right to request a hearing on a mine application should not be limited or restricted by the proposed regulation
- "Bad actor" language needs to be included in the rule to require full disclosure of the applicant's and operator's current and past environmental, labor, and safety compliance violations
- NMED should require its own financial assurance that would be in place for 100 years to cover any water quality issues that arise post reclamation

Michael Jensen  
Communications Director



New Mexico Tech

# NEW MEXICO BUREAU OF MINE SAFETY

**Terence Foreback**  
State Mine Inspector

801 Leroy Place  
Socorro, New Mexico 87801  
Phone (575) 835-5460  
Fax (575) 835-5430  
www.nmminefsafety.com

## Comments for Proposed Copper Mine Rules

Date: September 25, 2012  
To: New Mexico Environment Department  
From: Terence Foreback, New Mexico State Mine Inspector

I would like to place these comments into the record for the proposed Copper Mine Rules.

- The United States imports many of its nonfuel mineral materials. According to the 2011 report of the United States Geologic Survey, we import 80% or more of approximately half the mineral materials listed on their graph "*2011 U.S. Net Import Reliance for Selected Nonfuel Mineral Materials*". Many of these minerals are of strategic importance and several are essential for the development of an alternative fuel and power industry as a replacement for carbon based fuels. For instance, graphite and rare earths are vital to produce batteries for electric and hybrid autos and larger storage batteries to store energy from solar and wind generators. Yet in 2011 we produced none of these materials. One exception in the production of material for the high tech industry and the expansion of alternative power is copper. The U.S. produces 65% of the copper we consume. It is of strategic importance to the country that we expand our mineral production of nonfuel minerals essential to high tech and alternative fuels industries.
- Mining in New Mexico contributes significantly to the economy of our state. According to the 2010 compilation from the Energy Minerals and Natural Resources Department, mining provided about 6,000 jobs, almost \$300 million in payroll and over \$40 million in direct revenue to New Mexico. Copper mining is a major contributor to this economic engine, particularly in the southwestern part of our state.
- Mining is a safe industry in the U.S. and particularly in New Mexico. Jobs provided in the mining industry are not only good paying, but mining nationally has incident rates below the average for all major employers. New Mexico's mining incident rate is well below the average for the U.S.
- It is extremely important to our country's strategic interest, our state's economy, and to our state's residents that the stakeholders work together to develop environmental regulations that all stakeholders can live with and that allow mining to continue to benefit the residents of New Mexico.



## New Mexico Mining Association

September 25, 2012

New Mexico Environment Department  
Ground Water Quality Bureau  
Attention: Kurt Vollbrecht  
P.O. Box 5469  
Santa Fe, New Mexico 87502-5469

Re: September 13, 2012 Draft Copper Mine Rules

Dear Sir or Madam:

On behalf of the New Mexico Mining Association, I am writing to commend the Environment Department for its timely and considerate development of the draft copper mine rules published on September 13, 2012. Two members of the New Mexico Mining Association, Freeport-McMoRan and New Mexico Copper Company, participated in the Advisory Committee and the associated Technical Committee that met over the past several months to discuss the content of the copper mine rules. I understand that representatives of the Environment Department and the Energy, Minerals and Natural Resources Department also participated along with Dr. McLemore from New Mexico Tech and representatives of the Gila Resources Information Project and Amigos Bravos. The Advisory Committee and Technical Committee participants put in countless hours of time to develop a comprehensive rule to guide existing and future copper mines on how to comply with the Water Quality Act.

The Mining Association welcomes and wholeheartedly supports this type of rule development process to consider the views of all stakeholders, including the mining industry. The September 13 draft rules show how this type of process can result in a balanced set of rules that will protect ground water quality while providing a more predictable path for mine operators to plan for new mines and the future growth of existing mines.

The Mining Association understands that the draft rules are currently open to public comment at this public meeting and through written comments. The Mining Association and its members are carefully reviewing the draft rule in order to prepare comments. While there no doubt will be comments on the details of the rules, I am under the impression that the mining industry has an overall positive view of the September 13 draft.

Thank you for the opportunity comment on the draft rules. The Mining Association will continue to support its members and looks forward to preparation of a final version of the rules to be considered by the Water Quality Control Commission.

Very Truly Yours,

A handwritten signature in black ink that reads "Mike Bowen". The signature is written in a cursive style with a large, sweeping "M" and "B".

Mike Bowen  
Executive Director

COPPER MINE RULES PUBLIC MEETING  
Cesar Chavez Community Center-Albuquerque  
September 25, 2012  
6:00 p.m.  
Sign-In Sheet

**Please Print Legibly**

✓ Name Dora Dominguez Public Comment Yes X No \_\_\_\_\_  
Address/Email dora.dominguez@STATE.NM<sup>US</sup> Representing: NMEDD

✓ Name TERENCE FOIZERBACK Public Comment Yes X No \_\_\_\_\_  
Address/Email ~~BT~~ TFOIZERBACK@ADMIN.NMUT.EDU Representing: ASMI

Name JIM HINES Public Comment Yes \_\_\_\_\_ No X  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name Lynn Lande Public Comment Yes \_\_\_\_\_ No ✓  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name Sheila Deely Public Comment Yes \_\_\_\_\_ No X  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

✓ Name Rick Mata Public Comment Yes ✓ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

✓ Name Tim Eastep (for Mike Bowen - read letter) Public Comment Yes \_\_\_\_\_ No ✓  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name Dal Mollenberg Public Comment Yes \_\_\_\_\_ No ✓  
Address/Email dlm@gkwt.com Representing: \_\_\_\_\_

COPPER MINE RULES PUBLIC MEETING  
Cesar Chavez Community Center-Albuquerque  
September 25, 2012  
6:00 p.m.  
Sign-In Sheet

Please Print Legibly

Name Tony Trujillo Public Comment Yes \_\_\_\_\_ No   
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name T. J. Trujillo Public Comment Yes \_\_\_\_\_ No   
Address/Email ajt@glknet.com Representing: \_\_\_\_\_

Name Neil Blandford Public Comment Yes \_\_\_\_\_ No   
Address/Email nblandford@dbstephen.com Representing: \_\_\_\_\_

Name Michael Jensen Public Comment Yes  No \_\_\_\_\_  
Address/Email mjensen@amigosbravos.org Representing: Amigos Bravos

Name DANIEL H. LOPEZ Public Comment Yes  No \_\_\_\_\_  
Address/Email 2300 Calle de Sancha, NM Representing: NM Tech

Name Sean White Public Comment Yes  No \_\_\_\_\_  
Address/Email 2705 Cerke Mirabal Representing: Concerned Citizen

Name Gerardo Rodriguez Public Comment Yes \_\_\_\_\_ No   
Address/Email 4501 Oxford North Trail Representing: \_\_\_\_\_

Name Nancy McDuffie Public Comment Yes \_\_\_\_\_ No   
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

COPPER MINE RULES PUBLIC MEETING  
Cesar Chavez Community Center-Albuquerque  
September 25, 2012  
6:00 p.m.  
Sign-In Sheet

Please Print Legibly

Name Omar El-Emay Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_

Address/Email omarelemay@gmail.com Representing: NACC

Name Ellajordan Public Comment Yes \_\_\_\_\_ No X

Address/Email ellajordan@highfiber.com Representing: self

Name RACHEL THOMAS Public Comment Yes \_\_\_\_\_ No X

Address/Email rachelinalaska@hotmail.com Representing: ~~UPPER WEST~~

✓ Name MATTHEW GONZALES Public Comment Yes X No \_\_\_\_\_

Address/Email mgonzales@aci-nm.org Representing: ACI

Name Sophie Stuffer Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_

Address/Email sophie.stuffer@gmail.com Representing: \_\_\_\_\_

Name Jens Hollberg Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_

Address/Email holl.jens@web.de Representing: \_\_\_\_\_

Name EJ McLaughlin Public Comment Yes \_\_\_\_\_ No X

Address/Email edward@mycotechnica.com Representing: Self

Name JOHN RIVERS Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_

Address/Email jrivers118@gmail.com Representing: SELF

COPPER MINE RULES PUBLIC MEETING  
Cesar Chavez Community Center-Albuquerque  
September 25, 2012  
6:00 p.m.  
Sign-In Sheet

Please Print Legibly

Name Cyd Schulte Public Comment Yes \_\_\_\_\_ No X  
Address/Email cosmicjoet@gmail.com Representing: self

Name JENS DEICHMANN Public Comment Yes \_\_\_\_\_ No ✓  
Address/Email \_\_\_\_\_ Representing: THEMAC

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

COPPER MINE RULES PUBLIC MEETING  
Cesar Chavez Community Center-Albuquerque  
September 25, 2012  
6:00 p.m.  
Sign-In Sheet

**Please Print Legibly**

Name Larry Shove Public Comment Yes \_\_\_\_\_ No X  
Address/Email \_\_\_\_\_ Representing: N/MIED

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

COPPER MINE RULES PUBLIC MEETING  
WNMU GRC Auditorium-Silver City  
September 26, 2012  
6:00 p.m.  
Sign-In Sheet

Please Print Legibly

✓ Name Sally Smith Public Comment Yes  No   
Address/Email sallysmithisnow@gmail.com Representing: GRIP

✓ Name Rachel Conn Public Comment Yes  No   
Address/Email \_\_\_\_\_ Representing: Amigos Brown

Name Tony Trujillo Public Comment Yes \_\_\_\_\_ No   
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name SAM REDFORD Public Comment Yes \_\_\_\_\_ No   
Address/Email \_\_\_\_\_ Representing: GLC Health Council

Name Dal Moellenberg Public Comment Yes \_\_\_\_\_ No   
Address/Email dmo@gknet.com Representing: \_\_\_\_\_

Name herbie m Ansdew Public Comment Yes \_\_\_\_\_ No   
Address/Email 701 Mountainview Rd,  
Silver City 88061-7944 Representing: Self

✓ Name ROBIN TUTTLE Public Comment Yes  No   
Address/Email ROBLTUT@YAHOO.COM Representing: \_\_\_\_\_  
PO BOX 446 HILLSBORO, NM

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No   
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

COPPER MINE RULES PUBLIC MEETING  
WNMU GRC Auditorium-Silver City  
September 26, 2012  
6:00 p.m.  
Sign-In Sheet

Please Print Legibly

Name Martin Seltero Public Comment Yes \_\_\_\_\_ No   
Address/Email martin\_seltero@fmi.com Representing: FMI

Name Paul Du Sablon Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email oldgundoc42@yahoo.com Representing: \_\_\_\_\_

Name Bobbie Fisher Public Comment Yes \_\_\_\_\_ No   
Address/Email manualoha2002@yahoo.com Representing: Mother Earth

Name Rick Mohr Public Comment Yes  No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: FLX

Name Evangeline Zamora Public Comment Yes \_\_\_\_\_ No   
Address/Email ezamora@lifegreen.nm.org Representing: \_\_\_\_\_

Name Douglas Haywood Public Comment Yes \_\_\_\_\_ No   
Address/Email dhaywood@blm.gov Representing: \_\_\_\_\_

Name PAMELA BRYANT Public Comment Yes \_\_\_\_\_ No   
Address/Email PAMADRON4684@HOTMAIL Representing: RESIDENT

Name Candy Milam Public Comment Yes  No \_\_\_\_\_  
Address/Email cmilam@silver.k12.nm.us Representing: Silver Consolidated Schools

COPPER MINE RULES PUBLIC MEETING  
WNMU GRC Auditorium-Silver City  
September 26, 2012  
6:00 p.m.  
Sign-In Sheet

Please Print Legibly

Name Ron Hall Public Comment Yes        No ✓

Address/Email 1413 mississippi Representing: Citizen

Name Robin Short Public Comment Yes        No X

Address/Email Box 337 Tylone nh Representing:         
robin-short@fmi.com

Name Sandy Martin Public Comment Yes        No X

Address/Email Sandy-martin@fmi.com Representing: FCX

Name Bruce D. Taylor Public Comment Yes        No ✓

Address/Email        Representing: SUP

✓ Name Steven Montawi Public Comment Yes ✓ No       

Address/Email Steven.montawi@state.nm Representing: State of NM

✓ Name James R. Marshall Public Comment Yes ✓ No       

Address/Email scmayor@MSU.com Representing: Town silvercity

Name George Llewellyn Public Comment Yes        No X

Address/Email george.llewellyn@state.nm Representing: SUP

Name Constance Albrecht Public Comment Yes        No ✓

Address/Email geofemne4@gmail.com Representing: gila community net

COPPER MINE RULES PUBLIC MEETING  
WNMU GRC Auditorium-Silver City  
September 26, 2012  
6:00 p.m.  
Sign-In Sheet

Please Print Legibly

Name Clint Marshall Public Comment Yes \_\_\_\_\_ No   
Address/Email Clint.marshall@state.nm.us Representing: NMED

Name Bruce Fredrick Public Comment Yes \_\_\_\_\_ No   
Address/Email bfredrick@state.nm.us Representing: GRIZ

Name DAVID O'HORI Public Comment Yes \_\_\_\_\_ No   
Address/Email david.ohori@state.nm.us Representing: NM MMD

Name Jen Pepe Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email jpepe@golder.com Representing: Golder

Name Virginia Mclemore Public Comment Yes \_\_\_\_\_ No   
Address/Email ginger@nmbg.nmt.edu Representing: NM Tech

Name JENS DEICHMANN Public Comment Yes \_\_\_\_\_ No   
Address/Email jdeichmann@themacresources.org Representing: The mac

✓ Name STARR BELSKY Public Comment Yes  No \_\_\_\_\_  
Address/Email belskoid@yahoo.com Representing: self

Name Lynn Lande Public Comment Yes \_\_\_\_\_ No   
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

COPPER MINE RULES PUBLIC MEETING  
WNMU GRC Auditorium-Silver City  
September 26, 2012  
6:00 p.m.  
Sign-In Sheet

Please Print Legibly

Name Tim Eastep Public Comment Yes \_\_\_\_\_ No   
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name NANCY WILLIAMSON Public Comment Yes \_\_\_\_\_ No   
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

✓ Name Tim Bell Public Comment Yes  No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

✓ Name Rebecca Summer Public Comment Yes  No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name Tiffany Knopf Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: GCCHC

✓ Name Jon Saari Public Comment Yes  No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: Grant County

✓ Name Nick Sussillo Public Comment Yes  No \_\_\_\_\_  
Address/Email nick.sussillo@gmail.com Representing: SELF/RESIDENT

Name Amber Reubaton Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email amber-reubaton@fwi.com Representing: FWI-Coke

COPPER MINE RULES PUBLIC MEETING  
WNMU GRC Auditorium-Silver City  
September 26, 2012  
6:00 p.m.  
Sign-In Sheet

Please Print Legibly

✓ Name Joe Shepard Public Comment Yes  No   
Address/Email ShepardJ@wnmu.edu Representing: WNMU

Name John Vanvig Public Comment Yes  No   
Address/Email john1vanvig@yahoo.com Representing: me

Name Hollis Shepard Public Comment Yes  No   
Address/Email hollis.shepard@state.nm.us Representing: HM MND

Name Mary Alice Murphy Public Comment Yes  No   
Address/Email editor@grantcountybeat.com Representing: Grant County Beat

✓ Name Mary Browne Public Comment Yes  No   
Address/Email hfbrowne@yahoo.com Representing: SELF

Name Tom Twythes Public Comment Yes  No   
Address/Email twythes@golden Representing: Golden

Name DAVID MENZIE Public Comment Yes  No   
Address/Email P.O. Box 1003, Silver City 88062 Representing: Myself

Name JERRY SCHAEFFNER Public Comment Yes  No   
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

COPPER MINE RULES PUBLIC MEETING  
WNMU GRC Auditorium-Silver City  
September 26, 2012  
6:00 p.m.  
Sign-In Sheet

Please Print Legibly

Name PHIL HARRIGAN Public Comment Yes \_\_\_\_\_ No   
Address/Email \_\_\_\_\_ Representing: NMED

Name Robert Donnelly Public Comment Yes \_\_\_\_\_ No   
Address/Email \_\_\_\_\_ Representing: Self

✓ Name Lola Polley Public Comment Yes  No \_\_\_\_\_  
Address/Email lola@silvercity.org Representing: Chamber/self

✓ Name Mike McMillan Public Comment Yes  <sup>written</sup> No \_\_\_\_\_  
Address/Email mcmillan@swbj.com Representing: Prospectors

Name DENNIS MACK Public Comment Yes \_\_\_\_\_ No   
Address/Email VISITOR Representing: \_\_\_\_\_

Name Richard Ducote Public Comment Yes \_\_\_\_\_ No   
Address/Email RDUCOTEY@GMAIL.COM Representing: \_\_\_\_\_

Name Rob W Parsons Public Comment Yes \_\_\_\_\_ No   
Address/Email ronfire@gmail.com Representing: self

Name FRED PINEDA Public Comment Yes \_\_\_\_\_ No   
Address/Email F PINEDA MASSACHUSETTS Representing: SELF

COPPER MINE RULES PUBLIC MEETING  
WNMU GRC Auditorium-Silver City  
September 26, 2012  
6:00 p.m.  
Sign-In Sheet

Please Print Legibly

Name William Ketz Public Comment Yes \_\_\_\_\_ No

Address/Email wmferk@gmail.com Representing: \_\_\_\_\_

✓ Name RICK MILLER Public Comment Yes  No \_\_\_\_\_

Address/Email ohricke@zianet.com Representing: SELF

Name FRANZ RAITER Public Comment Yes  No

Address/Email fraiter@wnmu.edu Representing: COPPER ONE

- Name Jesse Franklin-Owens Public Comment Yes  No \_\_\_\_\_

Address/Email 21 Meadow Hk Lno. Representing: self

Name Holly Judgins Public Comment Yes \_\_\_\_\_ No

Address/Email \_\_\_\_\_ Representing: Prospectors

Name Robert Southworth Public Comment Yes \_\_\_\_\_ No

Address/Email robertsouthworth@gmail.com Representing: self

✓ Name Louise Ortega Public Comment Yes \_\_\_\_\_ No

Address/Email louyacant@aol.com Representing: Silver Regional Sexual Assault Support Service

✓ Name Tony Cushman Public Comment Yes  No \_\_\_\_\_

Address/Email jcushman@blm.gov Representing: BLM AZ



COPPER MINE RULES PUBLIC MEETING  
WNMU GRC Auditorium-Silver City

September 26, 2012

6:00 p.m.

Sign-In Sheet

Please Print Legibly

✓ Name TED WAGNER Public Comment Yes X No \_\_\_\_\_  
Address/Email TEDRWAGNER@MSN.COM Representing: PEOPLE

✓ Name DAN LOAIMIER Public Comment Yes X No \_\_\_\_\_  
Address/Email daniel.loaimier@sierracub.org Representing: SIERRA CLUB

Name CHEYENNE THOMAS Public Comment Yes \_\_\_\_\_ No ✓  
Address/Email 314 S. ARIZONA Representing: CITIZEN

Name Michael Cook Public Comment Yes \_\_\_\_\_ No ✓  
Address/Email miracook@msn.com Representing: myself

✓ Name JANET WALLET-ORTIZ Public Comment Yes ✓ No \_\_\_\_\_  
Address/Email bluegold54@gmail.com Representing: people who care about  
OUR WATER

Name Kevin and Sylvain Cook Public Comment Yes \_\_\_\_\_ No X  
Address/Email KevinandSylvain@yahoo.com Representing: FMI

✓ Name Kristy Rogers Public Comment Yes ✓ No \_\_\_\_\_  
Address/Email Kristyrogers3@gmail.com Representing: SASS

Name Alyson Simk Public Comment Yes \_\_\_\_\_ No ✓  
Address/Email gris@gilaresources.info Representing: GRIP

COPPER MINE RULES PUBLIC MEETING  
WNMU GRC Auditorium-Silver City  
September 26, 2012  
6:00 p.m.  
Sign-In Sheet

Please Print Legibly

Name Cynthia Ann Bethism Public Comment Yes \_\_\_\_\_ No

Address/Email 2105 N. Yucca St. sedeticab@gmail.com Representing: topsc

Name Fran Browne Public Comment Yes \_\_\_\_\_ No

Address/Email frankbrowne@comcast.net Representing: \_\_\_\_\_

Name Lorna Rubelmann Public Comment Yes  No \_\_\_\_\_

Address/Email lorna1080@msn.com Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_

Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_

Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_

Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_

Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_

Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

COPPER MINE RULES PUBLIC MEETING  
Cesar Chavez Community Center-Albuquerque

www-silvercity

September 26, 2012

6:00 p.m.

Sign-In Sheet

Please Print Legibly

✓ Name Arlene Schadel Public Comment Yes  No

Address/Email aschadel@grantcountynm.com Representing: Julia EDA

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_

Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_

Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_

Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_

Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_

Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_

Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_

Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

3 12